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LETTERS

Godkin's blind spot

Los Gatos, Calif.

I suppose that I have admired E.L. Godkin most of my adult life. William Peirce Randel is quite correct in showing in his article [*The Nation*, Jan. 17] that the great editor's observations on the first Centennial year exposed much of the blind patriotism and thoughtless political "stalwartism" of the times. But Randel has not included in his chronicle Godkin's unhappy acceptance of America's desertion of the Southern black and the editor's blind spot as to the positive gains made by Southern blacks and radicals during the years of so-called "Radical Reconstruction" of the South. It was the kind of blindness not uncommon in liberals and we should not forget it today.

Charles L. Sullivan

burning the future

Hamilton, Ohio

It is true, as Robert Sherrill says in "The Natural Gas Swindle" [*The Nation*, Jan. 24] . . . that the oil and gas producers are an unscrupulous gang of pirates, and that both Congress and the FPC have a sorry record. But worrying about the fact that the price of gas will be higher in the near future is like worrying about one's hair style while one is on the way to the gallows: the real problem is, what shall we do when we have managed to use up our natural gas? Regardless of whether the producers are lying or telling the truth about their reserves, there can be no doubt that these reserves are finite. Most of us will live long enough to see them exhausted, for all practical purposes—and then we shall realize that natural gas has always been too valuable to burn. As a chemical feed stock, it gives us fertilizer, plastics, synthetic rubber, paints, varnishes, lacquers, solvents, synthetic fabrics and an endless list of organic chemicals. Substitutes may cost five times as much—probably more. How shall we then be able to compete with nations which have been more frugal with their natural resources? . . .

William Palmer Taylor

safety first

Ashland, Ore.

Mike Edelhart's article, "Nuclear Energy: A Problem, Not an Answer" [*The Nation*, Jan. 17], was an excellent summary of the problem. However, it neglected to note that anti-nuclear forces across the nation are taking action to block additional nuclear power plants until greater safeguards can be assured.

California, on June 8, will vote on a safeguards initiative. Oregon will vote in November and petitions are being circulated in Washington to get a proposal on the November ballot. Vermont has taken legislative action against such plants without greater safeguards. A number of other states have initiative or legislative action under consideration.

Steve Murdock

through Pahlavi's back door

New York City

Michael Klare's article, "Hoist with Our Own Pahlavi" [*The Nation*, Jan. 31], deals mainly with Iran's role as a military power in the Persian Gulf and in the Indian Ocean. It omits any reference to Iran in its relations to the USSR.

Regardless of the declarations of good neighborliness which accompanied the Shah's visits to Moscow, the fact remains that Iran controls the southern shore of the Caspian which has good deep-water ports in contrast to the shallow northern shore. The Trans-Iranian railroad, which has been called the back door to Russia, connects the Persian Gulf with the Caspian Sea.

Around this sea and in its hinterland are important Soviet industrial installations. Does it not make sense to assume that the military power which Iran has built up with American help, and the presence in Iran of so many highly qualified American military technicians and "consultants," are being considered by the Shah's and the Pentagon's strategists as major factors in the case of a war with the USSR? That would make the huge outlay of American arms for the Shah even more plausible.

Paul Wohl

EDITORIALS

Loose Reins

The administration has stolen a march on Congress by presenting its own plan to "reform" the national intelligence apparatus even before the Senate Select Committee on Intelligence has made its report. Congress cannot let the President get away with this purely administrative reshuffling and must move quickly to legislate much more fundamental changes in the way this country goes about the \$10 billion-a-year business of national and international snooping.

Mr. Ford's action should be regarded as a preliminary step in the reform process. It has long been clear that the giant intelligence system needs complete restructuring, if only in the interests of efficiency—the two most recent Congressional investigations have turned up case after case of lapses and failures of intelligence, in both senses of the word. But much more than mere efficiency in the collection and analysis of "national security" information is needed. There must be locked in place what Mr. Ford called "stringent protections for the rights of American citizens," and there is little evidence that this was a prime consideration in the administrative rejiggering he has announced.

What is most striking is the omission of the FBI from the plan. Mr. Ford's statement about this scandalously mishandled domestic agency is that the Attorney General will come up with "guidelines" to control an outfit that has been notoriously beyond any kind of legal control. The Ford administration is also asking Congress for a *quid pro quo* in the form of what amounts to an official secrets act. This country has been governed for 186 years without such a law, and there is no serious reason why Congress should now shackle us with so dangerous a statute. Moreover, the President saw fit to advise Congress on the way it should set up its own "oversight" of the national intelligence system. He said it should be done by one committee, like the joint committee which oversees atomic energy—whose record has not been very energetic.

Finally, there is the matter of the membership of the executive branch's own "independent oversight" board. They are relics of the cold-war past. Estimable citizens, no doubt, including the 82-year-old Robert Murphy, a former ambassadorial troubleshooter and Under Secretary of State, but hardly men to challenge the powerful intelligence establishment, or any establishment at all. As for the President's decision to place the head of the CIA in charge of the whole system, one recalls that President Truman wanted the civilian CIA to dominate the country's intelligence bureaucracy and that it never did. Now Ford proposes George Bush—the most political of all the CIA

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chiefs to date, a former head of the Republican National Committee, a man whose credentials for the job of CIA director Congress found good reason to challenge before confirming him—as the head of the whole intelligence “community.”

Congress has its work cut out for it to devise a serious and responsible machinery for controlling the giant business of intelligence. It should take off from the limited point the Ford proposals have reached, so that the country can truly, in Mr. Ford's words, “live securely in peace and freedom,” with its spy system under rigorous control.

Life Without Henry

What should Henry Kissinger do—resign or stay?

How should the rest of us feel about that alternative?

The first question is not a matter of idle speculation. This most secretively public of Secretaries of State has let it slither into the world of informed speculation that he is thinking very seriously of quitting. Quitting while he's ahead, as the gamblers say? Kissinger probably doubts that he is ahead. The increasing ill temper of his public statements attests to that. His outsize ego would scarcely allow him to recognize that he is behind anything or anybody, but he must admit to himself that the road for him is all downhill from now to January 20, 1977, when a newly elected President takes over. (Even the election of Gerald Ford would be little comfort; the President's current posture toward Kissinger is no more than dogged support.)

Can Kissinger really believe that he will be able to move with the Russians along the road to strategic arms limitations? Even a man with as uncertain a sense of American political realities as he has displayed must know that SALT has become a political football that will most probably stay in the air until after the election. Popular as the opinion polls show arms limitation agreements to be (as much as 4 to 1 for them), the President is almost certain not to hand the Reagan, Jackson or Wallace forces a card they can call “sell-out.” So the motions Kissinger is going through on SALT are just that—and the Russians must certainly know it.

Kissinger also knows that the act is hollow. Yet he argued, in his recent San Francisco speech, that not to take the next SALT step “would be a tragically missed opportunity.” If the opportunity is in fact missed this year, and higher levels of weaponry are produced on both sides, it will be because the President, threatened from the cold-war Right, will not support the kind of initiatives and flexibility that could produce a new agreement with Moscow. Kissinger cannot very well stay as Secretary of State in this rump administration and speak this truth out loud. So he snipes at Congress, making it the villain that blocks an orderly process of foreign policy. (His widely circulated quip is to wonder that he can be accused of showing disdain for Congress when “my friends say I've spent seven years in Washington concealing my contempt.”)

In order to defend the “détente” for which he can claim much of the credit, he must double up his fists and pose as a tough guy with an unblinking eye on the Russians, employing such devices as supporting “our” faction in the turmoil of Angola. When Congress, for once, showed some mettle and blocked that unnecessary sideshow, Kissinger

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The Nation is published weekly (except for first week in January, and bi-weekly in July and August) by the Nation Company and copyright 1976 in the U.S.A. by the Nation Associates, Inc., 333 Sixth Avenue, New York, N. Y. 10014. Tel: CH 2-8400. Second class postage paid at New York, N. Y.

Subscription Price: One year \$17.50; two years, \$30. Add \$1 per year postage for Canada and Mexico; \$2 other foreign.

Change of Address: It is essential that subscribers ordering a change of address give four weeks' notice and provide their old as well as their new address. Please give Zip Code numbers for both addresses.

Manuscripts. All work submitted will be read by the editors. The magazine cannot, however, be responsible for the return of unsolicited manuscripts unless they are accompanied by stamped, self-addressed envelopes.

Information to Libraries: The Nation is indexed in Readers' Guide to Periodical Literature, Book Review Digest, Book Review Index and the Public Affairs Information Service.

THE NATION

Volume 222

No. 8

cursed out his enemy, the national legislature. He would agree with the spirit behind Gerald Ford's graceless words on the Angola matter, that Congress "had lost its guts." This attitude hides the Presidential spoke in the wheel of SALT progress, but it also comes naturally to Henry A. Kissinger, with his scholarly interest in, and sympathy for, the European autocracies represented by Metternich and Bismarck.

And how could his years of serving Richard Nixon have had any effect other than to reinforce his prejudice against meddling legislatures and in favor of unchecked Executive action? Those four long, bloody years of "winding down" the war in Vietnam were an exercise in contempt, so to speak, of a paralyzed Congress. One of the most revealing quotes from the uncollected works of Kissinger is the often cited remark he is said to have made at a White House meeting on what to do about Chile (we know now what was balefully decided there): "We can't let a country go Marxist just because its people are irresponsible." There could hardly be a more devastating dismissal of the democratic process. Substitute the phrase "stop détente" for "Marxist" (or "stop carpet-bombing in Vietnam" or "stop helping our friends in Angola") and you find a direct application of this kind of thinking to the American political scene.

Another saying of Kissinger's, this one in the form of a question, is also frequently cited as showing the Secretary of State's near despair at getting the country's business abroad done under our system of government. "How can anyone govern," he is supposed to have mused, "with all the suspicion and mistrust?" Hearing that, one is moved to wish that Kissinger had spent more of his time at Harvard studying the turbulent political and diplomatic history of the country whose foreign policy he would one day direct. The lesson he might have absorbed would be that, in this kind of nation and society, the process of making and executing foreign policy has always been loud, contentious and even disorderly. But what was necessary has been done (which is not to say that we were always right), and the only difference between the past and the present is the magnitude of the American role in the world—a difference of degree, not of kind.

It is clear, then, that Kissinger truly dislikes the system in which he holds a key position. More than that, he holds in contempt the institution which the Constitution puts at the center of its workings, the Congress of the United States. That body must ratify any agreement he might still just be able to work out with the Russians (who have reasons of their own to limit the race in strategic arms). The whole thing is a tangle of paradoxes.

Would we be better off if he resigned or were driven from office? Perhaps the best reason for a negative answer to that question lies in the nature of the opposition to Kissinger in his dealings with the Russians. It comes from the military and its allies in the most benighted and reactionary wings of both major parties. Ronald Reagan trumpets against any relaxation of tensions with Moscow ("a one-way street"). Senator Jackson asks his audiences if it would not be "wonderful if Pat Moynihan were Secretary of State." It may not be the best of arguments, but the fact is that Kissinger's enemies are often enemies of any sensible policy toward strategic arms limitations. They are therefore the enemies of the sensible majority of Ameri-

cans, as the opinion polls on this question show.

Perhaps Kissinger can still pull off another "miracle" and make an arrangement with the Russians on SALT that will get by even in an election year and against all the opposition. There is at least a faint hope that this could happen, though some unspectacular replacement from the ranks of the State Department might have just as good a chance. After all, it is the President who really dominates in such matters. And the real answer to the question, should Kissinger go? is another question: who would succeed him?

To end on a moralistic note, perhaps being hounded from office is too good a fate for a man who has done the wicked deeds attributed to Kissinger. It may be that he should be made to stay, to perform and suffer for these last few months. Then he can retire and write his memoirs which, if he tells the whole truth, should make interesting, if often appalling, reading.

The Sky Is Falling

Speaking of Kissinger's enemies, former Secretary of Defense James Schlesinger weighs in this month in *Fortune* with a portentous bit of doom-and-gloom saying. The burden of his tale is that the United States is gurgling down civilization's drain for want of "vision, of moral stamina, of national purpose." In other words, for lack of a big increase of arms and troops.

Schlesinger's article is written in a style that is the prose of Richard Nixon run through a Pentagon computer. "To review the comparative statistics without blinders," writes this social scientist, defense intellectual and Harvard classmate of Kissinger, "runs against the grain of the prevailing compulsion to cut defense spending and to ignore the implications." Apparently this means that a horse of another color is barking up the wrong tree when it comes to "survival."

He sees the "altered psychological stance" of this country leading to its "withdrawing from the burdens of leadership and power." And, he intones, "Power remains the ultimate sanction in dealing with potential conflict." Schlesinger is concerned about the effects of the "dramatic" change in the price of petroleum and he worries about the "long-run political stability" of this country, afflicted as it is by "structural problems" which create both inflation and unemployment.

He rings new changes on his old theme that, for the Russians, détente is "rich with opportunities for major gains—in short, as confrontation in another guise." He has one startling idea, unbuttressed by any evidence, buried away in his turgid sentences: "It would certainly require courage, if not rashness, to employ nuclear weapons in response to less than all-out assault." And so it goes, on and on, in a bureaucratic vernacular below the level of even the business English which his readers would presumably understand.

Schlesinger's article, entitled, almost inevitably, "A Testing Time for America," might serve as a crash course in cold-war patriotism for someone who had been lost in space for the last few years. It makes one wonder whether the President fired Schlesinger, not for standing stubbornly in the way of a possible SALT agreement but because he had grown tired of trying to understand what James Schlesinger was really saying.

An Object All Sublime

Now that the "law and order" regime of Nixon and Mitchell is mainly just an unpleasant memory (though some of that repressive spirit is still abroad in the land—viz., George Wallace's nasty attacks on a federal judge who insists on minimal standards of treatment for Alabama's brutalized prisoners), serious people are beginning to study the whole matter of imprisonment. They are looking at it from the point of view of what punishment really accomplishes in the way of deterrence and rehabilitation, those twin theoretical underpinnings of the modern idea of incarceration. A group of lawyers, scholars and social scientists, calling themselves the Committee for the Study of Incarceration, has produced a study saying, in effect, that most imprisonment serves no purpose at all and that it should be preserved only for those guilty of the most serious crimes.

The committee's report, which is being published as a book called *Doing Justice* (Hill and Wang), rejects the accepted wisdom that prison sentences should be related to the purposes of rehabilitation—in other words, to the prisoner's need for "treatment." Instead, it accepts an idea—both old-fashioned and radical—that the seriousness of the crime should be the criterion for the length of the sentence, not some judge's notion of what effect a certain severity of sentence will have on a given criminal. The committee's recommendations would have the effect of reducing the length of virtually all criminals' time in jail, and some who now are "warehoused" in our bulging and disgusting prisons would not be imprisoned at all (see "The 'Law and Order' Backfire" by Stephen Franklin, p. 241).

It is clear that the present system of punishment is breeding crime, not deterring it. The only sensible way to look at it is radically, because, as it stands, it simply does not work. The uprising of prisoners at New York's Attica, resulting in forty-three deaths when the revolt was brutally put down, should not have been needed to call the dreadful conditions of the nation's prisons to public attention. And the rate of recidivism among released prisoners is an advertisement for the total inability of the present system either to deter or rehabilitate.

Whether or not this committee's recommendations for change in our attitude toward crime and its punishment are sound in every particular, they certainly point in the right direction. They are properly radical in their assumptions and their conclusions. There is no doubt that they will meet with stiff resistance from those who somehow benefit from the present system, and this group includes a disturbing number of politicians who profit from seeming to be "tough" on criminals in a way that offers the public no protection and no real law and order.

There is one class of criminals, however, which, we believe, should not be spared the shame and pain of imprisonment. That class could be called the "silk-collar" criminals, as distinguished from the "white-collar" and "blue-collar" variety. They are the corporate criminals who knowingly corrupt the system with their bribes and boodle, many of whose names have been spread on the record recently—most of them from the world of the defense contractors and giant conglomerates. This class of offender is not at all deterred or rehabilitated by the gentle slap on the

wrist they are now apt to get, the slight demotion or the early retirement (with full pension, of course), or occasionally the \$5,000 fine for some outrageous act against the public interest. The threat of a mandatory jail sentence might truly deter the spread of corporate crime.

Discontent on the Bench

Chief Justice Burger used a sharply political, even polemical, tone when he attacked Congress in his "State of the Judiciary" message. This is open season on the legislature, with Presidential candidates, even members of the Democratic majority in Congress, running against what they see as its helplessness to solve the country's problems. Nevertheless, there is an odd and rather disturbing ring to the Chief Justice's attack. The federal judiciary, at whose pinnacle Justice Burger sits, is required by the Constitution to adjudicate between the actions of the other two branches of government, and that should be done in an even-handed manner based solely on constitutional values. Now the Chief Justice has said that one of the coequal branches is not doing its job and that the failure he charges it with is impairing the whole system of justice.

Mr. Burger may indeed have a case against Congress, though his manifest hostility toward it is another matter. The facts are that it has failed to add some five dozen judges to the federal courts, as the judiciary has recommended and the executive requested; that it has failed to raise judges' salaries by more than a pittance since 1969; that resignations from the federal bench are at a very high rate, and that Congress does go on making laws which inspire litigation and thus increase the work load of the courts. Many members of the bar would agree that these are legitimate complaints and might even question the purity of Congress's motives for these acts and omissions. But it is odd to read language as harsh as the following, coming from the chief of the nation's highest tribunal: "In the near crisis situation that confronts us," the Burger message said, "I put to you whether any political considerations related to the impending Presidential elections are tolerable."

By those words Mr. Burger plainly means to ascribe the Congressional failure to create the new federal judicial positions to considerations of political patronage. He is saying that the Democratic-controlled Congress is unwilling to give a Republican President all those slots to fill, especially when in less than a year a Democratic President might have that pleasure. This is hardly the first time that such worldly considerations have affected the judiciary. In theory, there is no excuse for them: given an established need for what Mr. Burger jarringly calls "judge power," the remedy should be provided on a nonpartisan basis. But a Congress, most of whose members recall that it took a strenuous battle to prevent the predecessor of President Ford, the man who put him in office, from seating the totally unqualified Haynsworth and Carswell on the bench alongside Burger, may find a better than usual excuse for its delays. That consideration evidently did not trouble the Chief Justice when he aimed his broadside at the Congressmen.

The federal judiciary is obviously up in arms, if that is not too strident a way to put it, and the Burger message is just the most conspicuous expression of its discontent with

the system and the way it works. The federal judges, forty-four of them at least, have hired a lawyer and entered suit against the government for a pay hike, to put it crudely. This suit, on which we reserve comment until later, is based on the constitutional prohibition against lowering judges' salaries while they are in office. The judges, represented by former Supreme Court Justice Arthur Goldberg, claim that inflation, rather than a hostile

Congress, is doing just that, and they demand relief from the courts. All sorts of interesting questions are raised by this suit, not the least of them the question of conflict of interest—judges judging the claims of fellow judges with identical concerns. Whatever the merits of the case, this suit, in addition to the highly political message of the Chief Justice, proves that the United States now has a restive and unhappy federal judiciary.

Guidelines for Jackboots

What if a high-ranking official of a major world power gave the following public speech:

To protect our national security, I am authorizing our national police force to conduct a preliminary investigation of any individual about whom there are allegations that he or she may be interfering with government functions in order to influence official policy, or in cases where the individual supports an organization with these objectives. The preliminary investigation may include physical surveillance of the individual and interviews with his or her friends and associates. If, as a result of the preliminary investigation, we develop specific and articulable facts justifying a conclusion that the individual may be engaged in such activities, we will conduct a full investigation, including recruitment of informants to help gather more information about the individual, the use of "mail covers" to keep a record of all mail received by the individual and electronic surveillance. In order to protect the individual, no preliminary investigation may continue for more than six months and no full investigation may continue for more than one year.

Wouldn't all Americans condemn such a program as the blueprint for a "police state," and wouldn't we congratulate ourselves in our Bicentennial year on our good fortune that such things don't happen here? Sadly, though, the proposals in this imaginary speech were actually made by United States Atty. Gen. Edward H. Levi in a recent attempt to define the powers of the Federal Bureau of Investigation to investigate political activities by American citizens. Mr. Levi is offering these proposals to Congress and the nation, following mounting revelations of FBI abuse of its investigatory powers, as a guarantee that the bureau will not again misuse its authority for partisan and unconstitutional political ends.

But the cure is worse than the disease. The proposals will give legitimacy to questionable police practices by permitting enterprising agents to continue many of the very FBI excesses that have recently come to light, but now under the protection of official guidelines.

The possibility that someone is "interfering" with government functions in order to "influence" official policy would, under the Attorney General's plan, justify a full FBI investigation of that individual. The potential target group would include anyone even remotely involved in political action since, by definition, they are attempting to influence official policy. Whether he or she was doing so

Frank Askin & Stephen Gillers

by "interference" would presumably depend on the political judgment of the investigating agent. Is picketing interference? Is robust and outspoken criticism of government action? What about a street demonstration that incidentally blocks a mail truck? Nothing in the guidelines even remotely suggests that the "interference" must rise to the level of unlawful activity.

Recent history shows us the danger of allowing government, let alone the police, to decide whether a particular activity constitutes "interference" justifying investigation of a person's political beliefs or associations. We have learned that, to the generation of sleuths inspired by J. Edgar Hoover to ferret out subversion, every political dissenter threatens the functioning of government.

The Poor People's March came to Washington to beseech the government for jobs and assistance, but the government saw the marchers as a threat and saturated their numbers with undercover agents. Protesters against the war in Vietnam, marching peacefully down Pennsylvania Avenue, looked like a horde of "Russian Communists" to the then Attorney General. Thousands of May Day demonstrators were illegally arrested by the fearful Washington authorities. And a 15-year-old high school student found that she had been given a "subversive" reference number in the FBI index when she wrote to a politically active organization for information in connection with her school homework.

The lesson is clear: when the police are permitted to conduct investigations of individuals because there are "allegations" that they "may be" engaged in conduct intended to "interfere with" government functions, political freedom is severely undermined. Under the Attorney General's guidelines, citizen participation in the political process is not applauded, as it should be, but is discouraged and suspected.

It is no great secret that one of the surest ways to stifle opposition to government policies is to let would-be objectors know that the police will be watching them. Supreme Court Justice Lewis Powell, a Nixon appointee, recently reminded us that "the price of lawful public dissent must not be a dread of subjection to an unchecked surveillance power." But in this day of big government, with its big computers, the only way to guard against such national dread is for civilian leaders to tell police agencies that a person's political beliefs and associations are never an appropriate subject for police concern, unless there is sound reason to believe that criminal conduct is involved. It is not "guidelines" for political intelligence that are needed but a total ban.

Frank Askin is professor of law at Rutgers University. Stephen Gillers, a New York lawyer, is editor of Investigating the FBI (Doubleday).

The Court Clips Election Reform

MAURICE DeG. FORD

For years, the U.S. Congress has resisted attempts to define in law the ethics of American electoral politics. Running for office was an expensive business, growing ever more costly, and those who had been successful in the race were not of a mind to change the rules for the benefit of those who were preparing to unseat them. Then came Watergate which, if it conspicuously failed to bring his sins home to every malefactor, displayed for the world to see that in politics money is indeed the source of all evil. The legislators, chastened and many of them disgusted, decided that the "dirty game" needed rules. In remarkably short order, Congress produced the Federal Election Campaign Act, called by the Court of Appeals, which sustained most of its provisions, "by far the most comprehensive reform legislation [ever] passed by Congress concerning the election of President, Vice President and members of Congress."

It is indeed all of that, but whether because of the haste, or because Congress attempted to sweep with so very wide a broom, cracks began to appear almost immediately in what is unmistakably a nobly intended statute. Politicians who would normally be expected to agree on very little, joined their voices to protest this or that provision, and now the Supreme Court has handed down a decision which chops out large sections of the Act, on grounds of constitutionality, and subjects others to major revision. The urgent question is whether the legislators' attempt to reform and discipline their long-established practices can survive the radical surgery performed by the Justices.

In his brief before the Supreme Court, filed in support of the Act on behalf of Sens. Edward Kennedy and Hugh Scott, former Watergate Special Prosecutor Archibald Cox outlined the escalating pressures which in recent campaigns had sent candidates scurrying "where the money is" and led fearful businessmen to feel a need to match the contributions of their competitors. "Citizens who observed the course of events," wrote Cox, "especially young men and women into whose hands the Republic would soon be committed, were alienated by the evidence that the world of politics and government served chiefly the 'big money' which brought political success."

In its attempt to curb such abuses, the Federal Election Campaign Act declared that no individual would be allowed to contribute more than \$1,000 to any candidate in a given election, with an overall limit of \$25,000 per contributor. Nor, under Section 608(e) of the Act, might a person or group, completely independent of any candidate, spend more than \$1,000 per year "relative to a clearly defined candidate" and "advocating the election or defeat of such a candidate." Other parts of the Act restricted a candidate's use of personal or family funds in his campaign and placed ceilings on the amount which could

be spent by Presidential, Senatorial and Congressional candidates. The Act contained forceful disclosure requirements. The name of every contributor of \$10 or more, and the name, occupation and place of business of each contributor of \$100 or more must be filed. Through the now-familiar checkoff provisions on tax returns, Presidential candidates would receive substantial public funding of campaigns—\$20 million to each of the two major party candidates for the general election. Candidates of minor parties (defined as those receiving more than 5, but less than 25 per cent of the vote in the previous election) would receive a pro-rata amount based on the size of their vote relative to that of the major parties. Candidates of new parties would get no money before the election, but any candidate who polled 5 per cent or more of the popular vote would be entitled to corresponding post-election subsidies. Finally, a Federal Election Commission was established to oversee and police the requirements of the Act, its members being appointed by the President, the Senate and the House, the better to insure impartiality.

When they learned last November that the Federal Election Campaign Act had been set for oral argument before the Supreme Court, most citizens were surprised that the Act might be in constitutional trouble. Watergate seemed to mandate reform of federal election practices, and anything Archibald Cox would stand up and argue for must certainly be right and good. Nonetheless, a broad range of candidates and potential contributors—from Sen. James Buckley to Eugene McCarthy and Stewart Mott—had challenged the Act as trespassing on freedom of expression and discriminating against minor parties. The argument, which had been exhaustively briefed by all sides, took an unusual four and one-half hours and featured, in addition to Mr. Cox, some of the most eloquent and persuasive members of the Supreme Court bar.

The Supreme Court's opinions in the case are equally exhaustive, among the longest in many decades. The majority, *per curiam* opinion was joined, in all aspects, by only three of the Justices: Brennan, Stewart and Powell, who themselves span the spectrum of opinion on the bench. The remainder of the Justices assented to some and dissented from other aspects of the decision. The essential task that the Justices saw before them was to uphold Congress's wish to protect elections—the basic political process of a democracy—from corruption and, at the same time, to safeguard the rights to freedom of speech and of association which are guaranteed by the First Amendment. For, as Justice Stewart noted, putting his finger on the nub of the difficulty during oral argument: "Money is speech and speech is money" in the context of present elections.

In resolving the conflict between two such fundamental interests, the majority of the Court appears to have split the difference. Asserting that "[t]he First Amendment affords the broadest protection to . . . political expression 'to assure the unfettered interchange of ideas for the bring-

Maurice deG. Ford is a graduate of Harvard Law School and author of the forthcoming Southie Is My Home Town.

ing about of political and social changes desired by the people," the Court upheld the limits on campaign contributions, on the ground that these curbs constitute "only a marginal restriction upon the contributor's ability to engage in free communication. . . . The quantity of communication by the contributor does not increase perceptibly with the size of the contribution, since the expression rests solely on the . . . symbolic act of contributing." The majority believed that the "overall effect of the Act's contribution ceilings is merely to require candidates and political committees to raise funds from a greater number of persons. . . ." Such limitations could be required not only to prevent corruption but (seeming to echo Mr. Cox's concern about the citizens' view of the electoral process) "the appearance of corruption, spawned by the real or imagined coercive influence of large financial contributions on candidates' positions and on their actions if elected to office."

On the other hand, the majority concluded that "[t]he Act's expenditure ceilings impose direct and substantial restraints on the quantity of political speech," and hence were unconstitutional:

The plain effect of [the expenditure limitation] is to prohibit all individuals, who are neither candidates nor owners of institutional press facilities, and all groups, excepting political parties and campaign organizations, from voicing their views "relative to a clearly identified candidate" through means that entail aggregate expenditures of more than \$1,000 during a calendar year. The provision, for example, would make it a federal criminal offense for a person or association to place a single one-quarter-page advertisement "relative to a clearly identified candidate" in a major metropolitan newspaper.

The majority also struck down all limitations imposed by the Act on the amount a candidate may spend from his personal funds, as well as its ceilings on overall campaign expenditures. It believed that the central problem of avoiding undue influence on candidates from outside interests was substantially less when the money involved came from the candidate himself or his immediate family. Despite Congress's desire to whittle down the burgeoning costs of campaigns and to give the poor candidate as good a chance as the wealthy, the Court rejected "the concept that government may restrict the speech of some elements of our society in order to enhance the relative voice of others" as "wholly foreign to the First Amendment, which was designed 'to secure the widest possible dissemination of information from diverse and antagonistic sources.' "

Thus, as the Act now stands, there can constitutionally be a \$1,000 limit on contributions made to a candidate or on expenditures made for his benefit and "authorized" by him (or his campaign committee), but *no* limit on so-called "independent" expenditures designed to promote his candidacy. The theory of the majority appears to be that if a Stewart Mott, on his own, wants to spend \$100,000 for newspaper advertisements boosting a specific candidate whom he hopes will contribute to world peace or the quality of the environment, he has the constitutional right to do so, since otherwise the discussion of important issues would be hampered. A number of the Justices, and especially Chief Justice Burger and Justice White, voiced

the strong opinion, with which I tend to agree, that opening this loophole almost completely vitiated the campaign contribution limitations of the Act. The Chief Justice suggested that "the distinction between 'independent' and 'authorized' political activity is unrealistic and simply cannot be maintained." Justice White, who desired more than any other Justice to uphold most of the provisions of the Act, put forth the following example in criticism of the majority's distinction:

Let us suppose that each of two brothers spends one million dollars on TV spot announcements that he has individually prepared and in which he appears, urging the election of the same named candidate in identical words. One brother has sought and obtained the approval of the candidate; the other has not. The former may validly be prosecuted under Section 608(e); under the Court's view the latter may not, even though the candidate could scarcely help knowing about and appreciating the expensive favor.

Especially, one might add, when the ambassadorship to Luxembourg became vacant. "For constitutional purposes," Justice White continued, "it is difficult to see the difference between the two situations. I would take the word of those who know—that limiting independent expenditures is essential to prevent transparent and widespread evasion of the contribution limits."

Indeed, it seems that Justice White's deference to the judgment of "those who know"—Senators and Congressmen who have run for election themselves and who drafted the Act—made him more sympathetic than his brethren to sustaining most of the legislation. He also disagreed with the majority's belief that ceilings on total campaign expenditures must be struck down because they trammel the volume of political expression. He felt that Congress might well try, in furtherance of the First Amendment, to "ease the candidate's understandable obsession with . . . the fund-raising function. There is nothing objectionable—indeed it seems to me a weighty interest in favor of the provision—in the attempt to insulate the political expression of federal candidates from the influence inevitably exerted by the endless job of raising increasingly large sums of money. I regret that the Court has returned them all to the treadmill." Justice Thurgood Marshall voted to sustain the Act's limitations on the amount any candidate could spend of his personal wealth, on the ground that removing the ceiling would give the rich candidate a significantly unfair "head start."

While declaring limitations on expenditures unconstitutional, the majority sustained all the disclosure requirements of the Act, hoping that they would effectively police attempts at undue influence. Disclosure of who contributed what, ruled the Court, "allows voters to place each candidate in the political spectrum," and the sources of his funds alert the voter to the interests to which he might be responsive. As Archibald Cox had urged in his brief to the Court:

"Birds of a feather flock together." The knowledge that a number of underworld figures have each contributed just under the ceiling to a candidate who is preaching vigorous law enforcement would help voters appraise his platform. Similarly, a candidate's attitude toward the issuance of stricter regulations designed to reduce air pollution by the

Environmental Protection Agency might well be appraised in the light of the contributions he was disclosed to have received from the executives of large manufacturers of cement and oil refineries.

Similarly, the majority upheld a provision requiring each individual or political committee who makes expenditures of more than \$100 on behalf of a candidate to file a statement with the Federal Election Commission. This would presumably assist the detection of any post-election favors granted in return.



There was considerable controversy over several aspects of the disclosure requirements. Chief Justice Burger, in dissent, felt that the contribution disclosure ceilings of \$100 and \$10 were "irrationally low," in that they might make rank-and-file union members or junior executives "think twice before making even modest contributions to a candidate who is disfavored by the union or management hierarchy." While agreeing that these thresholds were "indeed low," the majority still decided not to substitute its wisdom for that of the Congress in this area, especially since the \$10 contributions were for the commission's eyes only, not for the general public's. Given its expressed concern for sections of the Act which might inhibit freedom of speech and association, the majority might well have insisted that Congress reconsider these disclosure thresholds.

Another issue involved the effect of the contribution and expenditure disclosure requirements on minor, and perhaps unpopular, parties. Those who would ordinarily

give to such causes might refrain from fear of retribution for their views. While the Court continued to insist that the disclosure provisions of the Act were valid even here, it was mindful, given the experience of contributors to the NAACP in Alabama during the height of the civil rights movement, that there could be a valid challenge to such requirements, given the proper evidence of a "chilling effect." "The evidence offered need show only a reasonable probability that the compelled disclosure of a party's contributors' names will subject them to threats, harassment or reprisals."

The great majority of the Justices did vote to uphold the provisions of the Act that provide for public financing of Presidential election campaigns. The Court found such legislation a valid way to try to eliminate the improper influence of large private contributions. And, once a candidate accepted public funds, he would be constitutionally subject to the Act's expenditure limitations. The Chief Justice, joined by Justice William Rehnquist, believed that the scheme of public financing discriminated against minor parties, which had argued that the eligibility requirement of having received at least 5 per cent of the vote in the last popular election was too high. It would, for example, especially hurt new parties which under the Act are entitled to reimbursement only after the fact, if they succeed in winning their 5 per cent or more in the upcoming election. They would thus lag behind in the sometimes very necessary "front money" needed to purchase office space, telephones and television time. Chief Justice Burger who, in contrast to Justice White, seemed most dubious about many aspects of the Act's constitutionality, saw grave risks in allowing incumbents to set the ground rules for minor parties. He was also wary of government having any role whatsoever in the financing of election campaigns. He was concerned that later attempts might be made to control, and expand "big-government" surveillance of, additional aspects of what should be a free, private electoral process. Although Chief Justice Burger is usually considered a judicial "conservative," some might read his overall views in the Federal Election Campaign Finance case as "liberal." Which says not much more for the validity of labels than the majority's attempt to characterize the expenditure limitations of the Act as having a "direct" effect upon free speech and the contribution limitations as having a more "indirect" effect!

Finally, the present statutory method of appointing officials to man the Federal Election Commission was deemed constitutionally defective. Members of the commission, which is given extensive rule-making and adjudicative functions, as well as investigative and informational powers, are selected, according to the Act, partly by the President and partly by the Senate and House—the better, it was thought, to assure impartiality. However, Article II, Section 2, clause 2—the Appointments section of the Constitution—vests these powers, insofar as they pertain to making rules, giving advisory opinions and enforcing the Act, *only* in the President, who "shall nominate, and by and with the Advice and Consent of the Senate, shall appoint . . . all other Officers of the United States. . . ." The Court has given Congress thirty days to restructure the commission, so that President Ford shall be empowered to

appoint all its members. If that is done—and a bipartisan bill for the purpose has already been filed—federal primary campaign dollars can continue to flow to the candidates on the hustings in New Hampshire and elsewhere.

How useful the Federal Election Campaign Act will be, after the Court's dissection of it, remains speculative. Under the severability clause attached to the Act, those aspects of it not ruled invalid remain in force. Yet Chief Justice Burger has expressed serious doubts about the portions of the Act which survive. He now finds it "unworkable and inequitable":

The Court's piecemeal approach fails to give adequate consideration to the integrated nature of this legislation. A serious question is raised, which the Court does not consider: when central segments, key operative provisions, of this Act are stricken, can what remains function in anything like the way Congress intended? The incongruities are obvious. The commission is now eliminated, yet its very purpose was to guide candidates and campaign workers—and their accountants and lawyers—through an intricate statutory maze where a misstep can lead to imprisonment. All candidates can now spend freely; affluent candidates, after today, can spend their own money without limit; yet contributions for the ordinary candidate are severely restricted in amount—and small contributions are deterred. I cannot believe that Congress would have enacted a statutory scheme

containing such incongruous and inequitable provisions.

We shall have to watch how the Act works in practice and note whether Congress attempts a redrafting, bearing the Court's constitutional strictures in mind.

It is premature to assess the Supreme Court's opinions in the Federal Election Campaign Act case on the ground of judicial craftsmanship. Surely the pressures on the Court were immense—the one, from the citizenry, not to overturn entirely one of the most visible outcomes of the Watergate miseries; the other, from many of the Court's own precedents, to uphold First Amendment freedoms of speech and association and to be solicitous for the rights of minority candidates and nonincumbents. In a famous article—"Toward Neutral Principles of Constitutional Law"—Prof. Herbert Wechsler, like Prof. Alexander Bickel after him, emphasized that the principal authority of courts derives from judges' ability to articulate, and to decide cases on, principles of general applicability. Like a number of the Justices, I continue to doubt that the Court has done this sufficiently in the lines it has drawn sustaining the Act's limitations on contributions, but striking down the limits on what seems to be an obverse side of the coin, the limitations on expenditures. The \$1,000-contribution limitation may well still favor incumbents, who enjoy considerable visibility, over less well-known nonincumbents, who may also be handicapped by the nature of their ideas. It is these latter who need a substantial angel like Stewart Mott. □

CHAOS OR THE COMMUNISTS?

ITALY SEEKS A COALITION

RONALD RADOSH

After his recent and latest failure in January to form a minority coalition government composed of Republicans and Christian Democrats, Italian Prime Minister Aldo Moro has decided to go it alone with a one-party minority Cabinet composed only of Christian Democrats. He took this step to avoid early national elections, in which it was generally thought the Communist Party would improve its position and make it virtually impossible to form a functioning government without granting the Communists formal participation, i.e., Cabinet seats.

But it is unlikely that Moro's gamble will buy him much time, for as Alvin Shuster writes from Rome in *The New York Times* (February 11), the new government is "regarded as fragile at best, and another crisis could well develop in two or three months." Indeed, one of the curiosities of Italian politics in recent years is that the country has been able to avoid total chaos thus far without Communist participation, inasmuch as the party already holds effective control in major Italian cities and

runs entire regions and provinces, thus governing in fact about 48 per cent of the population. In the regional elections held last June 15, the Communists scored their most important success since World War II. They received 10.1 million votes, 33.4 per cent of those cast, putting them only slightly behind the ruling Christian Democrats (D.C.), who received 10.7 million, or 35.3 per cent. But the D.C. fell from the 37.9 per cent it held in 1970, while the Communist Party (PCI) rose from 27.9 per cent. One out of three Italian voters now votes Communist. If that vote is combined with those cast for the Socialist Party (PSI) and various other small groups on the Left, Italians voting for parties which espouse a socialist goal comprise 47 per cent of the electorate.

For generations, Americans have been told that we oppose any role for the Communist Parties of Europe because they are subservient to Soviet power and policies, and are implacably hostile to democratic norms of behavior. The possibility of political victory for the Italian Communists is an occasion for re-examining these assumptions: the strength of the PCI has grown precisely out of its awareness that such a position would get it nowhere.

The present political course charted by the Italian Communists seems directly modeled on the theoretical outlook developed in the 1920s and 1930s by their own martyred

Ronald Radosh is a member of the Department of History at Queensborough Community College and the Graduate Faculty, CUNY. He is editor of The New Cuba: Paradoxes and Potentials (William Morrow). He has recently returned from a trip to Rome.

leader, Antonio Gramsci. He believed that any dominant social class gained the loyalty and support of the mass of a populace by its social and intellectual prestige, as well as by its supposedly superior ability to function in the world of production. Before the working class could gain state power and rule society, Gramsci maintained, it would have to establish a claim to function as a ruling class in the political, cultural and ethical realms. For Gramsci, to rule implied rule by consent; there could be no seizure of power until the working class had achieved what Gramsci called "hegemony" in civil society.

Since the end of World War II, the Italian Communists have worked to obtain that hegemonic support in critical sectors of the populace. And they generally addressed themselves to the question of how workers in advanced capitalist democracies—with a strong parliamentary tradition—could direct society into a socialist form of development. Their search for an answer to this question moved them to a step that was proposed in response largely to the lessons of the 1973 coup in Chile. It was then that party Secretary Enrico Berlinguer first put forward his argument for an "historic compromise." Talking about the necessity to find a democratic path to socialism, Berlinguer argued that any qualitative change required a "consensus" that could be attained only from a social change endorsed by an overriding majority of the people.

Gaining the consensus, Berlinguer argues, meant moving in such a way that the middle class would not be driven into a position of hostility. Even if the combined Left forces won 51 per cent of the vote, the PCI maintains, a government representing that small a majority of the population could not move toward socialism. Rather than calling for a Left alternative, Berlinguer asked for "collaboration and agreement among the popular forces" of socialism and those of Catholic inspiration—in other words, he asked that an "historic compromise" be initiated with the ruling Christian Democrats.

Some cynics have suggested that, in reality, such a compromise has been in operation for some years. No government can function in Italy without a degree of cooperation and consultation with the PCI. In practice, Christian Democrats often side-stepped consultation with their own Socialist (PSI) coalition partners, and acted on measures only after checking out the possibilities with the Communists. This "unhistoric compromise" was not much appreciated by the Socialists, who shared the blame for D.C. failure, while the Communists, who were formally banished from power, might privately work out an arrangement with the government without forfeiting the right to attack it if later they saw fit.

The Socialist withdrawal from the government precipitated the current parliamentary crises. Probing a bit into how the Communists now see events, I talked at length with Massimo Ghiara, vice editor of the official PCI paper, *L'Unita*. The need in Italy, he told me, was to attain the broad unity of all democratic groups. It was also impossible, he suggested, to move directly from capitalism to socialism without first attaining the most complete form of bourgeois democracy. The latter observation struck me as strange logic to come from the mouth of a Communist. Indeed, it sounded quite similar to the logic used in pre-

revolutionary Russia by Lenin's socialist opponents, the Mensheviks. When I suggested that comparison to Ghiara, he retorted that one simply could not confuse the conditions existing in industrial modern Italy with those of backward czarist Russia.

In fact, however, the PCI does not even project the goal of building a socialist society in Italy. Rather, as Berlinguer puts it, the party wants "to achieve certain policies and measures that we consider to be of the socialist type." To gather support for such measures, he argues, "it is not necessary to have a socialist ideology or a socialist vision of the transformation of society"; it is only necessary that different social groups reflect candidly on the inability of Italy's present dominant classes to sustain the national development. Italians already feel that they have "been left adrift by a ruling class incapable of setting goals and prospects" to move the nation out of stagnation.

The PCI therefore argues for the autonomy of regional administrations, offers proposals for economic planning, and urges expanded participation by the citizenry in the management of public affairs. Fifty per cent of industry in Italy is already in state hands, and "a further development of the public sector in our economy," Berlinguer often points out, "is not in our programs." Instead, the PCI favors the expansion of any enterprise that succeeds in expanding Italy's productive base and advancing its economic recovery in production and employment. The party specifically urges public intervention on behalf of key priorities—aid to agriculture, an integrated system of public transport, including a radical reorganization of the transport system. It also campaigns for long-term financing to permit local authorities to order busses and collective transport, to initiate a national railway plan, and to reorganize city centers, including the mandatory closing of downtown areas to private traffic. Finally, the program stresses low-cost housing and school construction—major areas of social as opposed to individual consumption.

The Communists contend that initiatives of this sort will not rationalize and modernize Italian capitalism but will rather win broad support and gain bigger majorities for an eventual shift toward a socialist economic policy. But why, I asked Ghiara, the attempt to form a coalition with the discredited Christian Democrats? Is not that party's leadership composed of the very elements that have led Italy to social ruin? Ghiara and the PCI answer that the membership of the D.C. is composed also of middle-class, white-collar civil servants and many housewives; that a majority in favor of change cannot be assembled without the support of those active within the D.C. They acknowledge that the D.C. is tied to large economic concentrations of power, but they hope to gain the support of its popular elements, to line up with them against the compromised D.C. leadership. An historic compromise could occur only if a transformation takes place in the political orientation of the D.C.; in that way, as Berlinguer puts it, elements with a democratic position who are "open to a positive dialogue with the working-class movement will win out." Ghiara insisted that even rank-and-file D.C. members see the necessity for certain measures of a socialist character, and that the support of these people is essential if Italy is to move toward socialism. But, he emphasized, *an alliance could obviously not be made with the Christian Democratic Party as it now exists.*

It is on this point, however, that the extraparlimentary Left is most critical of the PCI. *Il Manifesto*, now the official organ of PdUP (Party of the United Proletariat for Communism), puts forth a different strategy. Its leaders maintain that the June 15th vote revealed a deep mandate for change that the PCI seeks to ignore. PdUP militants believe that the Left should actively seek to build a new national government, based upon that Communist-Socialist 47 per cent, along with anti-capitalist voters now prepared to desert the D.C. Together, they would forge institutions of dual power and prepare to move immediately to socialist reconstruction. They warn that it is virtually impossible to effect a compromise with the D.C., since such collusion must be based on acquiescence to that party's rightist policies. The alternative they project is a bloc of the entire Left that would begin a movement to socialism.

It is interesting that the *Manifesto* group no longer projects itself as a vehicle for regroupment on the Left, an alternative body out of which a new Communist party will evolve. Luciana Castellini, one of the editors of *Il Manifesto*, expressed her agreement with the concept that any attempt to build socialism in Italy without consensus would fail. "If we are to move toward insurrection and civil war," she quipped, "I may as well give up and live in the Bahamas." PdUP, she explained, now has solid working relations with the PCI, each party sending delegations to the other's conventions. PdUP militants view themselves and the Communists as being parts of the same revolutionary process and movement. The PCI, she stressed, was not a social-democratic party (as some on the U.S. Left have claimed) but a mass party of the Italian working class that has a conservative line. PdUP sees itself as something of an autonomous pressure group, working to sway the PCI to adopt a different position. Insofar as the PCI leadership might prove too eager to enter into coalition with the D.C. and hence might soft-pedal its criticism of the D.C.'s orientation, much *Il Manifesto*-PdUP criticism undoubtedly has merit. And if the PCI proves unwilling to move further along the path of adopting transitional

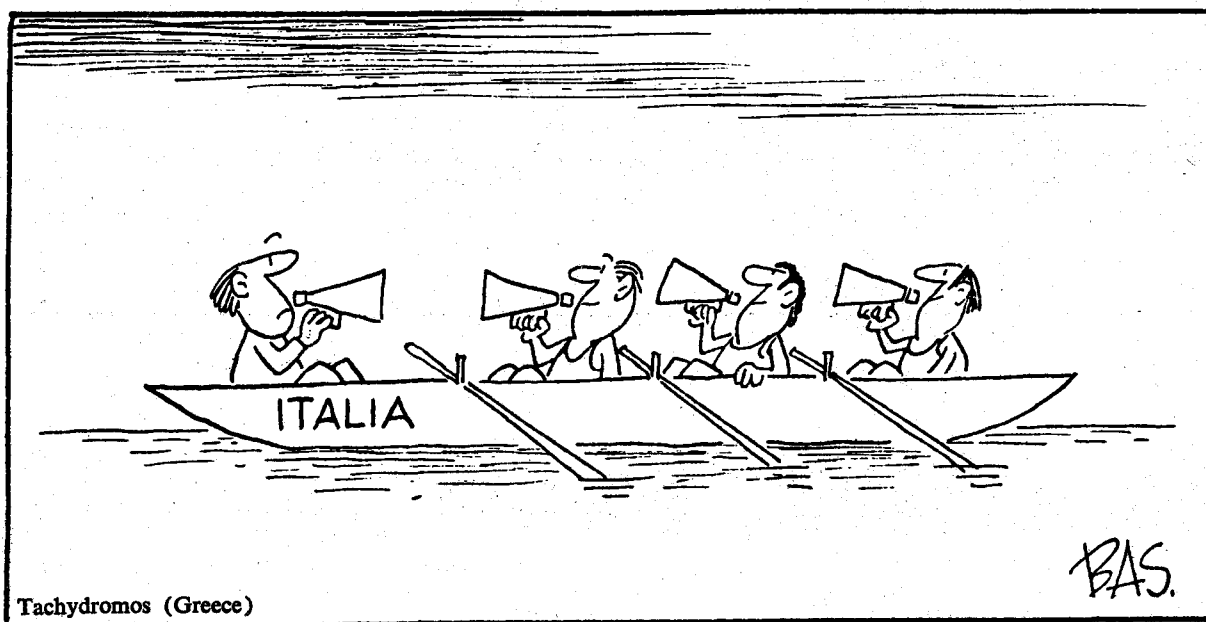
measures that point toward socialist reconstruction once power is achieved, the PdUP position might gain more adherents from the PCI membership.

A smaller but vocal extraparlimentary group, Lotta Continua (The Struggle Continues), which sees the PCI as counterrevolutionary and puts forth an alternative of spontaneous factory struggle for unrealizable wage demands enforced by mass demonstrations, reminds one of sections of the American New Left in the late 1960s. Lotta Continua urges PCI entrance into government, but on the sardonic assumption that that would precipitate new crises and enable the working class to push the PCI drastically to the left. But although this group has a visible presence and an active cadre, even Castellini spoke of them with mockery. "They are composed of people under 30," she remarked, dismissing as juvenile their reliance on spontaneity and the politics of protest.

On the whole, the official PCI leadership has sought to answer and oppose the various criticisms of this extraparlimentary Left. The Communists see as a pipe dream the notion that masses of D.C. members would split off to ally themselves with a revolutionary Left, and they accuse PdUP and others of not assessing accurately the complex composition of the D.C. Privately, party leaders sometimes take a different tone. One prominent PCI journalist answered my specific queries about PdUP's views by saying that he was glad they were around, that "they served to remind us of many fundamentals we might otherwise ignore"; another PCI member put it that they were often "the conscience" of the Communist Party.

The PCI's cautious domestic policy is matched by its concern to avoid intervention by the United States. "American imperialism," Ghiara quipped at the start of my interview, "is not a paper tiger." The implication was that his party sought to transform Italy without provoking a civil war or breaking with the European community. It was in this context that he sought to explain his party's much discussed position on NATO.

The PCI does not propose that a renewed and revived



Italy withdraw from NATO. Rather, it looks forward to the development of an independent European policy that would render both power blocs obsolete: the creation of a new Europe that is neither anti-American nor anti-Soviet. The Communists seek to intervene in defining the nature of détente, and to take an autonomous initiative on behalf of mutually satisfactory arms reduction. The effort would end with a phasing out of the very arms pacts that created NATO and the Warsaw Pact in the first place. Both would become relics of an earlier epoch, and the PCI would not have risked international opposition by demanding Italian withdrawal from the currently existing NATO. And the Communists proudly point out that Italy stands alone among Western European powers in refusing to recognize the junta in Chile.

Internationally, the PCI's independence was perhaps most notable in its treatment of the revolution in Portugal. Public statements about its position have been rather vague; obviously its sympathies were not with Alvaro Cunhal and his Portuguese comrades. In private conversations one immediately senses the depth of this disagreement. Unlike sections of the Portuguese Left, the Italian Communists see Portugal as an intrinsic part of the European community, not of the Third World.

The Portuguese Communists, they argue, were responsible for their own isolation from the masses. First, they did not understand that the development of socialism had to be consistent with the extension and preservation of democracy. Thus, the Italians condemn the seizure of the Portuguese Socialist-owned newspaper *República* by its left-wing printers. The PCI sees this action as a simple violation of democratic civil liberties in a socialist society. I pointed out that many non-Communist radicals in the West maintain that the real issue here was workers' control—the ability of those who do the work to have a say about the ownership and content of the paper that employs them. It was a workers' committee on *República* which asked for dismissal of the editor, and opposed editorial condemnations of the Communist-led union federation. To this, Italian Communists reply that workers at one or another plant have no right to act on their own and undertake a seizure of property, especially if it results in isolating the Left and creating more problems for the revolution as a whole.

The Italian Communists also chide Cunhal for opposing the Melo Antunes document, the statement of July 1975 issued by nine officers at the time when the fifth provisional government was formed in Portugal. These officers rejected both Eastern European and Western European political models as the way forward. While they supported the creation of a classless socialist society, they insisted that change in Portugal had to be "made gradually and peacefully without convulsions," by forming a broad social bloc that backed a national plan for transition to socialism. Such transition, the officers maintained, had to take place in a context "inseparable from political democracy" and through a pluralist political system, "with the participation of the parties prepared to support this national plan."

Both Cunhal's party and the ultra-Left in Portugal attacked this statement as counterrevolutionary, even though the officers carefully rejected the path advocated by moderate social democrats. One Italian Communist main-

tained that the statement of the nine might have brought the Portuguese Left together in a front that would have permitted them to move ahead toward socialism. He expressed great remorse that the Portuguese C.P. had joined the ultra-Left in condemning the statement, thus hindering the creation of a realistic Left alternative. PCI spokesmen are careful to note that they still believe the Portuguese Communists have a major role to play in building a new Portugal, but their disdain for their politics and sadness at their sectarianism is more than evident.

The Italian Communists also do not claim that the Allende government fell only because of U.S. imperialism's strong opposition. Given the attempt to unseat Allende, they argue that he should have minimized the effect by working for a compromise with Chile's Christian Democrats—much in the way that the PCI is now seeking to function in Italy. That task, they maintain, had been made more difficult for them by the policies initiated by the Chilean Movement of the Revolutionary Left, as well as by sections of Allende's own Socialist Party. In Chile, as in Portugal, PCI leaders look disapprovingly on unilateral seizures of land by peasants and of factories by workers, both actions which they believe alienate small farmers and sections of the petite bourgeoisie.

How, I asked Ghiara, could a coalition government that included Communists escape the fate of Allende's Chile? A right-wing coup, Ghiara claims, could not possibly succeed in Italy. The PCI already has strong control in many urban areas as well as in hundreds of provinces. Moreover, the PCI is already seeking to bridge the gap between the working class and the army and police. Its functionaries are meeting with both army officers and regular soldiers, as well as moving to form assemblies and unions within the police. The police, my American translator noted, are not regarded as "pigs" by the Italian Communists.

One leaves discussions with Italy's Communists impressed by the various ways in which they have moved out of the traditional path taken by other Western Communist Parties. For example, one does not find the Italians describing themselves as Marxist-Leninist. One prominent Communist remarked to me, "Let's face it; we *are* revisionists." Perhaps the most refreshing part of that revisionism is the PCI's insistence upon complete cultural and intellectual freedom. A PCI executive member, Giorgio Napolitano, insists openly that a Communist Party "must not intervene to decide any theoretical, cultural or artistic controversy," and he stresses that a pluralistic socialism "is incompatible with the tendency toward a 'totalizing' party that seeks to embrace and discipline the whole of social life or even attempts to limit only the autonomy of its own intellectual forces." He seeks to assure Italians that, if the Communists attained political power, they would on principle refuse to seek any political monopoly in the cultural field, and would not resort to censorship or any administrative measures to enforce their ideas.

The PCI militant who gave me a lift back to my hotel from *L'Unità's* offices kept stressing how socialism had to be pluralistic, how a united working class emerged from different traditions, religions and backgrounds, and how Italians were part of the Western tradition and closer to Western governmental forms than to those emerging from

backward and Stalinist Russia. In fact, he went into something close to a diatribe on the Russians and their distorted concept of socialism.

Such protestations have to be taken seriously, for it is by their own posture and policies that the PCI has gathered support in the postwar years. Soon, Italy's Communists may indeed be given a chance to show whether or not they can take Italy on the road to socialism via their own unique parliamentary route. In part their success or failure will depend on whether the U.S. State Department persists in its current intransigent opposition, or chooses to accept the inevitability of some type of Communist role in Italy's national government. The shift to this latter option will depend greatly on a massive political campaign at home to

prevent any foolhardy attempt to implement a Chile-type solution in the middle of Europe.

The recent news that \$800,000 was allocated to finance a proposed coup in 1970 by an Italian Fascist general gives little ground for optimism, but if Americans can begin to acknowledge that the strength of Italian communism stems from developments in Italy—not from Moscow-sponsored subversion—and that a role for the Communists is taking shape because that is the will of the Italian electorate, then a Chilean coup in Italy will not occur. That would gratify Italians of all persuasions, and would hardly displease Americans who are tired of seeing their nation function in the modern world solely as a champion of counterrevolution. □

CONGRESSIONAL GIVEAWAY

Troops for a Five-Star President

ROBERT K. MUSIL

Is the day approaching when the President of the United States, who also bears the title of Commander in Chief, will find himself empowered to raise an Army and send it into battle? Kings, when there were any such who wore crowns and ruled by divine right, raised armies and committed them in the field, but the American President never has and the Constitution says he never will. That's what the Constitution has been saying since 1789, but what does the Congress say in 1976?

In March 1911, Gen. Leonard Wood, Chief of Staff, attempted to assemble an entire Army division in one place in peacetime. In the first exercise of its kind in American history, orders went out to gather the "Maneuver Division" around San Antonio, Tex. Only after three months did a scraggly, disorganized, understrength division of 13,000 men finally materialize. This rather pathetic demonstration allowed Wood and Secretary of War Henry L. Stimson to agitate for better preparedness and a larger Army. Recent experience in the Spanish-American War had shown that if the United States were to play a world, indeed an imperial role, it would need armies and an ability to mobilize them equal to its ambitions.

Now, in 1976, the United States is a world power with a capacity to deploy global military might that would have pleased General Wood. In a matter of hours, entire Army divisions, fleets, or bomber squadrons can be on their way to any spot in the world. After the experience of Vietnam, however, many Americans are concerned about this capability for worldwide intervention and about the centralization of Executive power, the secrecy, and the huge costs that go with it. After two World Wars and a continuing cold war had built up what Arthur Schlesinger, Jr. has called the "Imperial Presidency," the pendulum in recent

years seemed to be swinging back to Congress. President Nixon resigned under threat of impeachment, the War Powers Act was passed, a Budget Committee was created, and a bill to terminate previous national emergencies was drawn up.

These signs of Congressional reassertion of power do not pass scrutiny, however. Sen. Thomas Eagleton (D., Mo.) has argued persuasively in *War and Presidential Power* that the War Powers Act is a "Congressional surrender." And Congress is expected shortly to vote away more of the war powers assigned to it in the Constitution—the authority "to provide for calling forth the militia," and "to raise and support Armies." This Congressional giveaway will be in the form of Senate bill S.2115 which passed that body 77 to 0 on January 26 and is expected soon to pass the House and become law.

The bill gives the President authority to call up for active duty not more than 50,000 Reservists or members of the National Guard for as long as three months—without a declaration of war or national emergency. The new bill prohibits the domestic use of troops mobilized according to its provisions, but it does allow the President *at any time* to expand the authorized strength of the active-duty armed forces by 50,000. Current law allows the President to call up a million soldiers, but only after a declaration of war or national emergency.

Fifty thousand troops may seem small, but such a number can be significant and can be deployed today far more efficiently than was General Wood's "Maneuver Division." It is about double the number of troops that invaded the Dominican Republic under President Johnson, triple the number of President Kennedy's initial "advisers" to Vietnam, and quadruple the number that President Eisenhower sent to Lebanon in 1958. Why do the Pentagon and its Congressional supporters want to bestow such increased powers on the President, and what is wrong with the provisions of S.2115? The answers are complex, but their roots can be found in the continuing manpower squeeze and escalating costs faced by the United States

Robert Musil is a former associate of the Center for National Securities Studies. He teaches at St. Joseph's College, Philadelphia, and writes frequently on military affairs.

military as our imperial power erodes after Vietnam.

When resistance to the draft and GI recalcitrance within the armed forces grew to crisis proportions at the beginning of this decade, the United States withdrew from Southeast Asia and switched to an all-volunteer Army, partly in an attempt to preserve the usefulness of the armed forces in other arenas of more "vital interest." With the draft being phased out and personnel costs rising (active, Reserve and retired), Secretary of Defense Melvin Laird introduced in his 1973 Defense budget proposal the Total Force concept. The new strategy, designed to maintain large standing forces in the face of burgeoning costs and domestic anti-militarism, proclaimed that "the Reserves and Guard will be the initial and primary sources for augmentation of the active forces in any future emergency." (See David Cortright, "Beefing Up the Ready Reserves," *The Nation*, March 19, 1973.) Reserve expenditures ballooned in the years thereafter and massive amounts of modern equipment were shifted to the Reserves. Some Reserve and active units were merged. Such a policy continues today, because Reserve forces, if they can be made reliable and subject to mobilization without undue deliberation or political hassle, supply the government with a large standing army on the cheap. The obstacles to a successful "Total Force" policy, and the genesis of S.2115, are to be found in the lack of "political will" of recent Presidents to call up the Reserves and thus alarm a war-weary public. Summoning the Reserves and declaring a national emergency involve disrupting civilian lives, alerting and arousing the public, activating sweeping Executive emergency powers, and signaling serious bellicosity to potential enemies. In sum, it is a fairly drastic measure that inhibits Executive initiative and flexibility.

It is just such initiative and flexibility—and a parallel absence of public deliberation, discussion and debate—that S.2115 is designed to achieve. The idea was first publicly explored in discussions with William K. Brehm, Assistant Secretary of Defense for Manpower and Reserve Affairs, during his 1975 budget appearance before the Senate Armed Services Manpower Subcommittee, chaired by Sam Nunn (D., Ga.). While discussing the possible savings to be made in transferring strategic airlift capability to the Air National Guard, Senator Nunn raised the problem of the reluctance to call up the Guard. He asked if there were a feasible way to activate the Reserves, short of a national emergency. Secretary Brehm replied, "I think that as we depend more and more on the Reserve components, we need, in a sense, to lower the procedural threshold that is associated with Reserve mobilization." Senator Nunn pressed the matter: "Without causing tremendous political repercussions throughout the country?" Mr. Brehm: "Exactly."

Sen. Strom Thurmond (R., S.C.) also saw an advantage in giving a mission to the Reserve and Guard at a time of increased doubt about the need for large, expensive Reserve forces. "A lot of people wondered . . . why keep them, why pay them, if we do not use them during war." Following these discussions, the Pentagon drafted legislation whose importance was described by then Secretary of Defense James Schlesinger at a July 30th hearing on the bill:

We have recently begun to deliver 128 KC-135 tankers to the Reserves. The active duty forces, quite naturally, are concerned that in the event this equipment and those trained forces who will operate this equipment, will be required, they will indeed be available on a selective basis. In order to emphasize the important role that the Reserve components play in relation to the active duty forces . . . I believe this legislation is essential. . . . It provides credibility to our allies . . . credibility to our potential opponents with regard to the strength of our deterrent. And, finally it provides credibility to the U.S. public, which has taken, on occasion, a skeptical view as to the effectiveness of the Reserves in the Total Force policy.

Secretary Schlesinger added that the legislation would improve morale and readiness in the Reserves by giving them meaningful responsibilities. This need for a mission was defined more sharply by Mr. Brehm at the same hearing: "We simply cannot afford to spend \$5.5 billion annually on a force oriented solely toward a lengthy mobilization of the type envisioned in the past." He concluded that the bill would increase the President's "range of options," avoid "triggering the international and domestic consequences that declarations of war and national emergencies seem to connote" [*sic*/], and emphasize to the public and our enemies alike that the Reserves "are a reliable force that will be available and used in emergencies." When asked by Sen. John Culver (D., Iowa) whether the military would object to an amendment to require Congressional approval, Brehm replied that that would "defeat the whole purpose of the bill."

The genesis of S.2115, then, is to be found in the Pentagon's desire—despite détente, domestic priorities, inflation and recession—to maintain huge standing forces, to provide a rationale for the expensive Reserves, and to circumvent a public weary of playing "world policeman." Support troops are cut in NATO only to be put into Reserve units that can be recalled to an Army expanded from thirteen to sixteen divisions on the "savings"; tankers and C-5As are put into the Air National Guard only to be available at a moment's notice for intervention or for support of an ally at war, without *prior* Congressional approval.

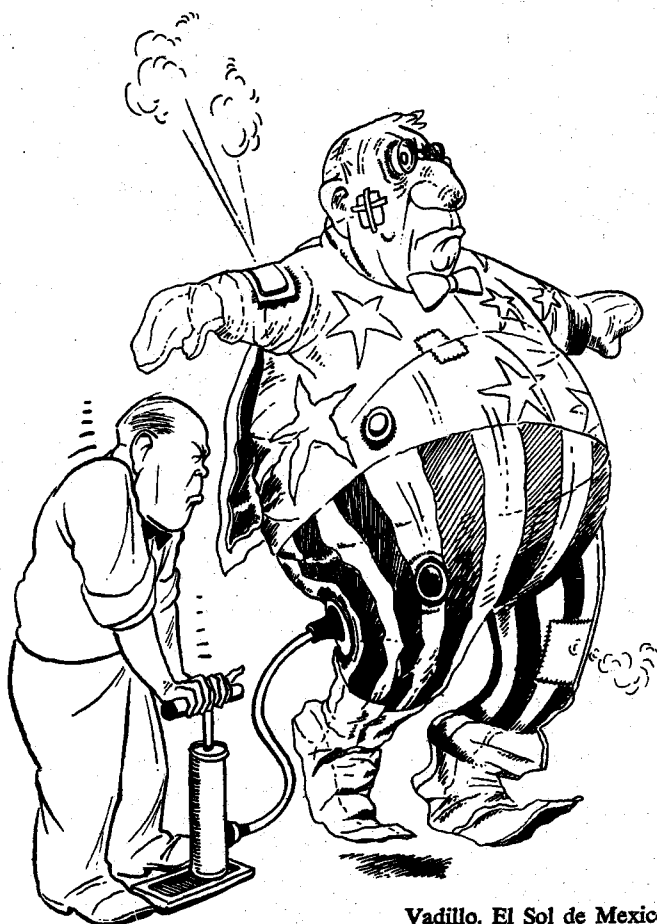
S.2115 can be seen, then, as the first step toward integrating all Reserve components into the federal active military in peace or war *at any time*. The request for authority to call 50,000 troops in peacetime is an example of what Col. Ed King (USA, Ret.) of the Coalition on National Priorities-Military Policy calls the salami technique. "First they cut off a small slice of what they want, and then they come back for more." That King's fears of salami tactics may be justified is suggested by a discussion at the December markup session on S.2115. Senator Culver asked why, if we are interested in enhancing the Total Force concept, don't we simply give the President blanket authority to call up the Reserves? Senator Nunn answered, "If we can pass this one, then we can consider other things." Whether or not the Pentagon and Senator Nunn's subcommittee go on to "other things" remains to be seen. But if S.2115 is passed, the opening slice of Reserve call-up authority will already have reversed the intention of the framers of the Constitution and completed the process of centralizing in one person, the President, control in peace

or war of all the nation's armed forces, active, Reserve and National Guard.

It was precisely to avoid such Executive control over the military that the Constitution vested practically all of the powers associated with war in Congress. Its authors assumed that there would be only a tiny standing Army, maintained when necessary, that could not be sent outside the United States without Congressional approval. The President was merely to be Commander in Chief in wartime, a post that Alexander Hamilton equated with "First General." The various state militias could be called into federal service by Congress alone, to "execute the laws," suppress "insurrection" and "repel invasion." However, Congress, under the Militia Acts of 1792 and 1795, authorized the President to call up the militia for these restricted purposes, and the courts later upheld the President's right to determine when the situation warranted a call.

Only this carefully prescribed arrangement—a President with limited powers as Commander in Chief during war, state militias for restricted domestic purposes, a small standing Army raised by Congress and short-term appropriations for military matters—convinced men like the eminent James Wilson of Pennsylvania that the Constitution was a guard against "hurrying" into war, and that "no single man [can] involve us in such distress."

The military and legal situation remained much the same from the Militia Act of 1792 until the 20th century.



Vadillo, El Sol de Mexico

Except during the Civil War, the Regular Army remained small, there was no federal Reserve force to call up, and the courts held frequently that the state militias could be sent out of the country only in the course of hot pursuit in repelling attacks. This limitation on federal expeditionary forces was observed during the War of 1812 when the Governor of Massachusetts refused to let his militia leave the country, and New York troops refused to cross the border at Niagara Falls. Because of these constitutional and popular restraints, strong and expansionist Presidents had to call for volunteers in the Mexican and Spanish-American Wars, while in the Civil War, Lincoln had both to call for volunteers and institute conscription.

With the beginning of serious U.S. imperial adventures in the war of 1898, military planners sought to circumvent the rather quaint restrictions imposed by the founding fathers. Pacifying insurrectionists in the Philippines had convinced men like Elihu Root that a reorganization and expansion of the Army was needed. This was accomplished by 1901, and a General Staff, after the Prussian model, instituted in 1903. That same year Root, in partnership with the National Guard Association and Representative Dick, succeeded in passing the Dick Bill that for the first time provided direct federal funds and standardization for the National Guard. With this dam breached, by 1908 the Organized Militia or National Guard numbered 105,000, and legislation was passed to lift the restrictions on the length of time the militia could be federalized, and to make it available for service "either within or without the territory of the United States." The original design of the militia as a defensive home guard would have been obliterated except that Attorney General Wickersham ruled in 1912 that such use of the militia for general military purposes outside the country was unconstitutional.

Another attempt to remedy this defect and run around the flank of the Constitution was the passage of the National Defense Act of 1916 (the Hay Bill), which further federalized the National Guard and for the first time created a federal Reserve force available for general military purposes. There was a good deal of controversy over the wisdom and constitutionality of this bill, as well. In any case, the Reserves could be called out only in time of war or national emergency, and the Guard or militia could still not be used *as militia* overseas. World War I dispelled all such doubts and distinctions—even federal conscription of citizens was declared constitutional—and a modern, standing, expandable federal force that could be used overseas was born. In 1933, the National Guard was incorporated fully into the federal Army as a Reserve component to be used for general military purposes when authorized by Congress or in time of war. Reserve Acts of 1940, 1952 and 1967 completed the total federalization of the armed forces structure, but the Reserve and the Guard, the old militia, were to be used only when determined by Congress or in time of declared war or national emergency.

It is this final roadblock to using any and all of our armed forces at any time for any purpose—to their complete federalization under Presidential control in peacetime—that S.2115 now proposes to tear down. It is doubly ironic that Congress may allow the President to call up troops without a national emergency just at the time when it is moving to eliminate long-standing emergency powers granted under the National Emergencies Act. It is

because S.2115 frames the question in terms of a limited grant of power, a small slice of salami, that the issues and the historical culmination of a Presidential, imperial Army have been blurred. Shall the President of the United States be permitted to increase the authorized strength of the armed forces at will during peacetime? It is a serious matter whose implications are clear in a Library of Congress study of the bill for the Armed Services Committee: "It [S.2115] would, of course, grant substantial additional authority to the President."

Sens. Gary Hart (D., Colo.) and Edward Kennedy (D., Mass.) did attach amendments to the bill in an attempt to maintain some Congressional say in the escalation process. As Senator Hart put it well in a minority view in the committee report on the bill, "S.2115 is not a good bill . . . because, as it is written, it signs over to the President one more slice of Congressional responsibility for hardly any reason at all." But his floor amendment merely requires a written report from the President within twenty-four hours as to the uses to which the troops will be put, and allows the action to be terminated by a concurrent resolution of Congress. Kennedy's amendment simply states that S.2115 shall not conflict with the War Powers Act. Both amendments leave the initiative in war making with the Executive. He may call up additional troops at will, place them where he wishes, take sides in supporting or supplying an ongoing war, offend potential enemies—and do all those things while the Congress, given the power to "declare war," "raise armies," "call forth the militia" and the like may respond, as we drift into war, to a *fait accompli*. James Madison considered it fundamental that

the power to declare war, "including the power of judging the causes of war, is fully and exclusively vested in the legislature." Once the country has been brought—"hurried"—to the brink of a crisis or even war by Presidential action, Congressional powers, even under the War Powers Act, quickly fade. It is not for nothing that Senator Eagleton referred to the War Powers Act as an "undated Declaration of War"—a fundamental abdication of power. Similarly, S.2115, the Reserve Call-Up bill, is an undated levy for additional foreign expeditionary forces. It also is a constitutional abdication. As Raoul Berger has written, the Congressional power to raise, deploy, station, and totally control American troops, "is plenary, subject to no exception."

Calling up additional troops should remain a Congressional prerogative and be made more difficult, not easier. S.2115 should be defeated in the House, and if passed, repealed. Indeed, given the resistance expressed by the Pentagon and its military supporters in Congress to any scrutiny of the mission and the \$5.5-billion price tag on the Reserves, Congress would be prudent if, instead of approving imperial missions for the Reserves, it began to reduce forces designed for World War II mobilization. It would be prudent, too, to return eventually to the original understandings of the uses of citizen-soldiers, the militia, called forth by Congress at home to "execute the laws," suppress "insurrection" and "repel invasion." It may be difficult for the military to explain how it intends to repel invasions with C-5A transports and KC-135 tankers, but that is its problem and one that James Wilson and James Madison would have liked. □

EXPLOSIVE PRISONS

THE 'LAW AND ORDER' BACKFIRE

STEPHEN FRANKLIN

Miami

—A guard races to stop a brawl at one end of a crowded Florida prison barracks. At the other end of the hall, a young inmate is raped.

—A prisoner in a usually crowded hallway at the Florida prison at Raiford, called "the rock" by inmates, is stabbed through the heart with a screw driver.

Florida's prisons, the nation's most overcrowded, are now the scene of a dangerous surge of prison violence and degradation, a condition sweeping most other prisons in the United States as well. In Montgomery, Ala. last month, Federal District Judge Frank M. Johnson, Jr., responding to Governor Wallace's charge that he was creating a "hotel atmosphere" in the state's prison system, countered with this specific observation, among others: "I say to you that the elimination of conditions that will permit maggots in a patient's wounds for over a month does not constitute creation of a hotel atmosphere" (*The New York Times*, February 1).

Behind the nationwide rise in inmate population and

violence, most prison officials believe, is a get-tough attitude, a cry for "law and order" that just might backfire. There is no doubt that the "law and order" mood has been reflected in the courts. It is seen in stiffer minimum prison terms, lowered age limits for trial in adult courts and the sudden drop in parole releases in several states.

The result in the prisons is a crisis, usually unseen and of no public concern, that worries prison officials. It troubles normally conservative wardens who speak of Attica-like revolts and the decline of reform programs that used to make their prisons more manageable. "There's a real crisis in almost every state's prisons except California," claims Anthony Travisano, director of the American Correctional Association. "We don't like to be the harbringer of bad news, but the public should be alerted that the crisis in the prisons is imminent."

A crisis-like atmosphere has assuredly been brewing at Florida's Lake Butler prison, where 1,500 persons are jammed into an institution built for only 700. Four men sleep in one-man cells no larger than small elevators. Inmates are forced to crawl over others sleeping on the

Stephen Franklin is a reporter for The Miami Herald.

floor and up against latrines. "We simply don't have any place to put people," says Jim Godwin, Lake Butler's superintendent. "I'm certain the overcrowding puts an added chip on someone's shoulder if he comes in here already mad."

The overcrowding of Florida's prisons, with 15,000 persons packed into prisons built for 10,000, has made the prisons far more dangerous for guards as well as inmates. Eleven inmates were murdered behind Florida prison walls in 1975, more than the total for the previous two years. Inmate attacks on prison guards have also jumped 44 per cent in the last year, in addition to a 56 per cent increase in the number of inmate attacks on other prisoners.

Florida's prison officials blame their overcrowding and inmate violence problem on the get-tough attitude over which they have no control. And prison officials in most states agree with them. There is little they can do but keep up a desperate search for new places to house the men and women whom the courts send them. "Very clearly, there's a shift toward a law and order philosophy in Cook County," says Allyn Sielaff, director of the Illinois Department of Corrections. "There's a greater effort by police to arrest and judges to sentence."

In New York, prison officials say the tougher drug laws, pushed through by former Governor Rockefeller, definitely boosted the prisons' populations. The laws ban plea bargaining for anyone charged with a drug offense and set a minimum term of two years. South Carolina's legislators got tough on armed robbers by setting a ten-year minimum sentence. That is expected to cost \$93 million for new prison construction over the next fifteen years, state officials say.

Officials of the Florida Department of Offender Rehabilitation expect that the state's three-year minimum for anyone convicted of a gun-related crime will cost \$88 million for new building. But the cost, the moral arguments and even the pleas of the Florida judges' association did not dissuade the state legislators last spring from voting for the three-year term. As a matter of fact, state Sen. Vernon Holloway of Miami took the floor at the height of debate over the law, to argue against claims that it would spark riot conditions in the already overcrowded state prisons. "They [prisoners] say, 'We'll riot.' Well, I say, let them riot. Who cares?" Vernon declared.

Indeed, during the last legislative session not many Florida legislators seemed to care. Dempsey Barron, president of the state Senate, set the mood for prison reform, which hardly got a passing nod. "In World War II, barbed-wire stockades worked just fine," the politically powerful Panhandle Florida Democrat told a state Farm Bureau meeting last summer. "I'd rather have them [criminals] in barbed-wire enclosures than in my house at night." So far, Florida hasn't penned any inmates behind barbed-wire fences, but it has put some in borrowed National Guard tents, an unused prison hospital wing and a converted warehouse.

Dangerous as are Florida's overcrowding problems, conditions faced by some other states seem equally perilous. With all of New York's prisons at capacity, prison officials

are especially concerned because they can easily recall the Attica riot of September 1971, when forty-one guards and inmates were killed. Attica is now more crowded than ever.

In North Carolina, there has already been one flare-up. "It's becoming a problem of people living on top of people," says L.L. Cautzky of the prisons there. Court commitments of dangerous inmates have jumped by 50 per cent in North Carolina in the last four years, but there has been no increase in prison security, Cautzky adds.

Only recently, Alabama prison officials were ordered by federal court judges to shut the prisons to new inmates because officials had lost control over violence. Authorities in South Carolina, in an attempt to relieve some of the overcrowding pressure, have taken to advertising for empty schools, hospitals or other large buildings. At South Carolina's ninety-five-year-old maximum security prison in Columbia, some 1,700 prisoners are jammed into cells intended for 1,000.

Louisiana went a step further by actively considering an old ship as temporary housing for some of the inmates in its prison at Angola. In federal district court recently, Louisiana prison officials admitted that medical and security conditions at that seventy-year-old institution were inadequate.

Of all the states, California is the only one where the prison count has been dropping. That is because the courts there have made increased use of probation and more liberal parole laws. A recent California law pays counties more to place their inmates on probation than to send them off to prison. The experiment also saves money: it costs, say state officials, \$6,500 a year to keep someone behind prison bars, but only \$700 a year for probation. But they admit that it hasn't lowered the state's crime rate or produced any other major change in California's crime problems.

The drive to bring down the crime rate by putting more persons behind bars has surely caught the nation's officials unprepared. Only five years ago, most prison construction was halted, while alternatives were sought for the gray institutions. Today, there's almost a panic to get new prisons built. In fact, the National Council on Crime and Delinquency estimates that plans have been drawn for, or construction started on, 450 new prisons or jails that could cost as much as \$7 billion. And that figure is dwarfed by the \$20 billion that the U.S. Justice Department estimates would be needed to bring all state and local jails up to minimum standards.

Meeting even the minimum standards of decent care is not, however, always on the minds of prison authorities. In Florida, officials have to cram eight or more men into four-man cells. They insist they must do so, since the state's parole releases have dropped by nearly 1,000 persons, while the courts have sent them 2,000 more persons than they received a year ago.

Elaine Hunt, Louisiana's corrections director, says state officials cannot count on probation and parole workers to help reduce the prison jam-ups. "We can't get enough probation workers and the judges feel they have no option but to confine people," she says. "It's a joke to say that rehabilitation has failed in Louisiana," says the corrections director there, who is under court order to reduce prison overcrowding by about 1,300 inmates. "It has never been tried." □

JILL RAYMOND WAITS IT OUT

MICHAEL J. KIRKHORN

Richmond, Ky.

The matron, small and severe-looking but not unkind, signaled an end to our interview. Jill Raymond unfolded her legs, stretched and smiled, found some coins for the red Coke machine across the room. Jailhouse partings, even between strangers, always seem to carry a moment of uneasiness and discord. The Coke can clunked through the chute. Raymond picked it up, shook my hand and mentioned that she had some house plants to care for upstairs. Still smiling, she walked through the door leading to the women's lockup of Madison County Jail, one of three Kentucky jails where, since very few women are held in them for long periods, she has been living virtually in isolation for eleven months. Her crime was recalcitrance. She refused to testify before a federal grand jury. She remains in jail because she continues to refuse to testify.

Raymond was one of six young residents of Lexington, subpoenaed last February to tell a grand jury convened there what they knew about Susan Saxe and Katherine Power. Saxe and Power were both wanted (Saxe has been arrested in Philadelphia; she corresponds with Raymond) by the FBI in connection with a Boston bank robbery five years ago in which a police officer was killed. The FBI believes that Saxe and Power, calling themselves Lena Paley and May Kelly, lived in Lexington during the summer of 1974.

The grand jury's ostensible purpose was to investigate possible violations of federal laws forbidding the harboring of fugitives or the concealing of felonies. There have been no indictments. Defense attorneys argued that the grand jury was being used improperly to obtain information which would help the FBI catch Saxe and Power. A good deal of alarm and indignation have been expressed in recent years about the alleged use of grand juries for governmental "fishing expeditions" (see "The Grand Jury Network" by Frank J. Donner, *The Nation*, January 3, 1972). The Lexington grand jury's actions do not seem to fall into that category, since its inquiries were apparently focused specifically on Saxe and Power, and were not feeling out toward some vaguely perceived conspiratorial group. Nevertheless the grand jury has traditionally been conceived as a shield placed between the individual and an unwarranted indictment, whereas in the case of Raymond and her associates it was being used as an investigative tool of the state. This is a "gray" area in the definition of a grand jury's proper functions, to which the Supreme Court will eventually have to address itself—probably as a result of the refusal by some witness like Raymond to speak when ordered.

In this case, the question of propriety was decided in the government's favor by Federal District Judge Bernard T.

Moynahan, Jr., who studied the grand jury transcript and read the contents of a sealed affidavit from the United States Attorney. To protect the grand jury's sanctity, Judge Moynahan refused to allow defense attorneys to see the affidavit. The Sixth Circuit Court of Appeals upheld Moynahan's decision.

The five women and the man who were subpoenaed all are admittedly homosexual—a remarkable fact when one considers that the FBI's investigation, so zealous that the Lexington *Herald* characterized it as "harassment of individual citizens," must certainly have revealed that others, sexually orthodox, knew Paley and Kelly. Raymond and her friends concluded that they were being persecuted by the FBI not only because they were politically radical but because they were homosexual. The FBI had no comment to make about that charge. Defense lawyers have observed that, while the FBI questioned a great many people, the witnesses were all members of Lexington's gay community.

All six prospective witnesses were granted "use immunity" by the federal district court, Moynahan's court, at Lexington. Use immunity, enacted in 1970, is an investigative device which compels a witness to testify by shearing away the right to remain silent. The only assurance given in return is that the grand jury testimony will not be used later against the witness in criminal prosecution. "If a person [a witness] has use immunity he doesn't need the Fifth Amendment," one prosecutor said, ignoring the fact that what one witness says can be used against another, and vice versa. Five of the six eventually gave in. They testified and were freed. Raymond refused, and her lonely struggle against federal authority continued.

Judge Moynahan found Raymond in civil contempt and ordered her locked up last March 8 as a recalcitrant witness. He fixed no bail and warned that appeal would be "... frivolous and taken for purposes of delay." He was right in suggesting that appeal would be useless. The United States Supreme Court refused to permit bail in the case and Moynahan's decisions also were upheld in the court of appeals. A few weeks ago Moynahan denied a last-ditch motion which would have freed Raymond because she had outlasted the judge. The motion argued that confinement for civil contempt obviously had failed to force Raymond to testify. Therefore the judge's action could no longer be considered coercive, which was its intention. Now it was punitive.

Some imagination may be required to understand how an unwilling witness can be locked up for eleven months and yet by official definition escape punishment. The notion if not the imprisonment seems medieval, and many lawyers believe that it may well be unconstitutional to hold anyone in prison on a civil charge without trial for more than six months. But as Wallace Stevens once wrote, the value of imagination is to see the normal in the abnormal. Nothing is more typical of our time than the deadlocking of bare defiance with an authority which in its righteous-

Michael Kirkhorn teaches in the School of Journalism at the University of Kentucky, Lexington. He has been a reporter on the Milwaukee Journal and the Chicago Tribune and in 1970-71 was a Nieman Fellow at Harvard University.

ness seems mean and vengeful.

Richmond, where the Madison County Jail is located in a white-painted brick building behind the columned courthouse, is a pleasant, tranquil little city. When the weather is fair the magnolia trees glisten on the sunny lawns and elderly women out for an afternoon stroll are helped along the sidewalks by steadier companions. Businessmen bustle around the downtown district in their coordinated knit suits and white belts. A tourist with time to spare may visit the home of the abolitionist Cassius Marcellus Clay, one of the famous Southerners—another is Jefferson Davis—who studied at Transylvania College ("Transy") a few miles north in Lexington.

Raymond is permitted one visitor a day. To avoid confusion, appointments are arranged by her defense committee in Lexington. She meets visitors in an outer room which at first glance seems to resemble a country store, with a box of withered plants ("Frost got 'em," the jailer says with something like satisfaction) on a porch railing and a pair of idly curious locals drinking Cokes on a bench in one corner. A small boy is playing with toy handcuffs, a calendar on the wall advertises the Collins Funeral Home ("dependable service") and above the cellblock door, fastened with a chained stick poked through a staple, is a long passage from Matthew 25. When the door is opened sullen young faces glare out from behind thick bars. They belong to some of the fifty-nine men, mostly very young, accused of public drunkenness or theft, who are being held this day downstairs in the men's section. An old man with a cane and wearing a crumpled cap limps in from outside and talks for a minute through a small window with a boy who might be his grandson. When he leaves he hands the jailer a wadded dollar for the boy.

The matron, whose federal appointment hangs near the Coke machine, brings Raymond from the women's quarters and sits down a few feet away as the prisoner curls her legs under her and lights the first cigarette of several she chain-smokes as we talk. She is short, with dark hair falling around a broad face which even in jail shows a trace of vivacity. She wears a faded plaid shirt over a T-shirt, and jeans. She talks calmly, answers questions, even intimate ones, without hesitation. She has said that she experiences "a pretty horrible hysterical reaction for the first few weeks" after she is moved to a new jail. But today her nervousness, if she feels any, is betrayed only by a slight tremulousness around the mouth. She is 23 years old.

Born in Cleveland, Raymond was orphaned at 13 and one has the impression that her life has not been easy. She entered the University of Kentucky in 1970, joined the waning anti-war movement, but came finally to find the sources of her own radical identity only after she made some connections with the women's movement. At first she considered herself an "individual feminist" who needed no affiliation, "... venturing into women's groups only out of curiosity." When she decided to acknowledge her lesbianism openly she understood that for her being gay and feminist were "inseparable facts."

This, for her an affirmation, she now feels made her an FBI target. She speculates that the agency regards gay women as being "more vulnerable to harassment and threats. The problem was that none of us cared about being respectable."

If she continues to refuse to testify, Raymond could remain in jail until spring, when the grand jury term is expected to end. She could then be resubpoenaed for the next term and locked up again if she refuses to testify. Her lawyers' attempts to have her transferred to a federal prison where she could get some air and exercise have failed so far. She is resigned to the prospect of staying in jail through the rainy Kentucky winter, tending her plants and reading behind the black meshed windows. "Our lawyers always told us to expect the worst," she said. "There's not enough grand jury case law. . . . It's sacred law. We always hoped there would be an exception, hoped but didn't expect it."

Her decision to remain in jail, when she might go free by agreeing to testify, has motives more personal than her desire to demonstrate that federal grand juries are improperly used as subagencies of the FBI. "I didn't know before what sort of monster the collaboration of the FBI and the Justice Department is," she says. "I want to create as big a case as possible, to increase resistance to the abuse of power. The importance of staying in jail is to continue to bring heat down on the government for being able to do this to people."

She says FBI agents questioned friends in eight cities. Some were threatened with subpoenas, she says, if they did not provide information about her. "That was part of the gut feeling. The FBI was encroaching on important personal relationships. I had the right to privacy. I decided I wanted nothing to do with this agency. I didn't want to cooperate. I was angry."

Raymond does not resent the decision of the other five to testify before the grand jury. "We worked collectively as far as possible. Each had to assess his or her resources and decide whether to continue inside or outside. I decided I could do it from inside. . . . None of us had been in jail before. None of us knew what effect it was going to have on us. . . . We wanted to push our resistance to the subpoenas as far as we could. . . . When each of them left jail we all supported each other's actions."

She would rather not be considered a martyr "holding up the torch." To be cast in that role would mean even greater isolation. "A lot of people are involved," she says. "My part is sitting in jail." When she is released she hopes to rest, see her friends, then perhaps continue her socialist-feminist work in Washington, D.C.

The *Louisville Courier-Journal*, said Raymond, "cheerfully contemptuous," was "a child of the social and political upheavals of the late 1960s." She told the newspaper that her more or less voluntary confinement was "part of an overall radical movement that grew out of those beginnings in the 1960s."

Perhaps. But perhaps also the links are not in the survival of programs or organizations, but in something as tenuous as a young woman trying to hold herself together in a Kentucky jail. It is a lonely situation. When Jack Scott, former Oberlin athletic director, shelterer, according to *Rolling Stone*, of Patty Hearst, spoke at the University of Kentucky, he said it was disgusting that a "beautiful and courageous" woman like Jill Raymond should be locked up, the applause rose quickly and faded fast. The feeling was, she was on her own. □

BOOKS & THE ARTS

Katherine Mansfield—the Image in the Glass

MARIE JEAN LEDERMAN

The themes in Katherine Mansfield's short stories form a web, connecting both her life and each other, an intricate pattern of relationships between men and women, marriages and families. These relationships are taut with tensions: liberation and tyranny, independence and dependence, motherhood and bondage, bliss and insecurity, platonic love and sex as violation. In the stories, characters are often splits or doubles of a single personality; mirror-images abound, reflecting a multiplicity of queens, dreams and pervasive fears. Mansfield's letters and journal entries reveal her attempts to liberate herself from these conflicts and, especially, from the prevailing role and image of woman.

Katherine Mansfield, K.M., grew up in New Zealand. Both her father and the man she married, John Middleton Murry, were miserly men. Mansfield herself had ambivalent feelings about wealth, and the theme of the vital importance of money runs through many of the stories. On the one hand, she longed for a life of physical and aesthetic comforts: once she writes to her husband, J.M., "Why haven't I got a real 'home'—a real life—why haven't I got a Chinese nurse with green trousers and two babies who rush at me and clasp my knees? I'm not a girl—I'm a woman. I want things." On the other hand, she rejected the morals, roles and trappings of bourgeois families like her own. She sought a life of independence both in her personal relationship with Murry and in her writing. Mansfield had love affairs, a divorce, an abortion, a long-standing relationship with Murry before their marriage. She articulated liberation for women with considerable insight: "I feel that I do not realise what women in the future will be capable of achieving—they truly, as yet, have never had their chance. Talk of our enlightened days and our emancipated country—pure nonsense. We are firmly held in self-fashioned chains of slavery yet. Now I see that they are self-fashioned and must be self-removed." This was 1908.

Marie Jean Lederman has published poetry, short fiction and essays. She is now at work on a full-length critical study of Katherine Mansfield.

Intellectually, the perception was there. Despite this, her relationship with Murry indicates that the perception did not usually move from the intellectual to the emotional. She is always concerned about aging and losing him. She is also insecure about her literary work and writes to Murry, "You know (seriously) I don't feel as though I have really written anything until you have passed your judgment—just as I should never feel that I had had a child—even though it were there and screwing up its fists at me—until you had held it and said 'Yes, it's a good kid!' Without that I am in a state of *attente*—you understand." One can argue, of course, that her illness (she had tuberculosis and died, after some years of physical suffering, at the age of 34) had much to do with her emotional dependence on her husband.

However, her letters and journal entries indicate a deeper fairy-tale conception of love between a man and a woman and Mansfield's acceptance of traditional romantic stereotypes. She writes to Murry, "I see the Fairy Tale as our history really. It's a tremendous symbol. The Prince and Princess do wed in the end and do live happy ever after as King and Queen in their own kingdom. That's about as profound a truth as any." King-queen-prince-princess images occur often in her letters to him. In one letter she writes, "I always wish in a way we were Prince Bogey of Heronia and the Princess Wig. You would have made a good Prince . . . but I wouldn't have been up to much." This characteristic insecurity is revealed in her fiction, along with ever-present contrasts and struggles. Her whole life had been a series of struggles, first to shake herself emotionally and financially free from her family, followed by years of struggle with mounting physical pain. In the last year of her life she made an attempt to obliterate herself in order to achieve freedom from pain, peace and a kind of perfection for which she longed. In that year, 1922, she writes, "I have thought of J. today. We are no longer together. Am I in the right way, though? No, not yet. Only looking on—telling others. I am not in body and soul. I feel a bit of a sham. . . . And so I am. One of the K.M.'s is so sorry. But of course she is. She has to die. *Don't feed her.*" The multiple selves of Katherine Mans-

field are, as always, in opposition to each other, but she is now certain that one of those selves must be destroyed.

That essential duality is reflected in much of her fiction; indeed, there is a merging of personal life and fiction. She writes to Murry, "Funny thing is I think you'll always come walking into my stories. (And now, of course, I see future generations finding you in all my books: 'The man she was in love with')." It is not by chance, then, that we can examine the related themes of looking-glass queens, dreams and fears in the life and fiction of Katherine Mansfield.

The concept of doubling, of two characters who are aspects of the multiple self, runs through many of her stories. In some stories the women are sisters; in others they are strangers. In the early story, "The Tiredness of Rosabel," a rich girl appears in a millinery store with her fiancé to buy a hat; she is waited on by Rosabel. The two women are linked by the rich young man who whispers surreptitiously to Rosabel that she is pretty enough to be painted and who sets Rosabel off on the dream vision of wealth and love which constitutes the story. In a much later story, "A Cup of Tea," a rich young woman picks up a starving girl on the street and takes her home for tea, intending to befriend her and prove that "women were sisters." However, when the rich young husband comes home and says of the starving girl, "She's so astonishingly pretty," the rich young woman quickly pays the girl to leave and, shattered, asks her husband, "am I pretty?" In "Bliss," Bertha Young is a high-strung, nonsexual double of Pearl Fulton, and the story culminates in Bertha's discovery that Pearl is having an affair with her husband. It is interesting to note the fragility of self-image of the heroines of "A Cup of Tea" and "Bliss." Both women are seemingly joyous and self-assured, yet a word or gesture from "the man" and their world shatters.

Generally, the doubling occurs in terms of two characters' attitudes toward sex. In "Bliss," "Prelude" and "At the Bay" the split is, in Freudian terms, between the virgin and the whore. In "Bains Turcs," a sexually repressed housewife is revolted by two blonde women whom she watches in a

Turkish bath. She is horrified by their bodies and their behavior, as they walk by her "like disdainful queens." But the last line of the story says that she looks at them with "the face of a hungry child before a forbidden table."

Even more than the contrast between the virgin and the whore is the contrast in the stories between the masculine and the feminine attitudes toward sex. In "Frau Brechenmacher Attends a Wedding," the Frau becomes a counterpart of the unwilling bride. Both are revolted by and resentful of the sexual demands made on them by their husbands: Frau Brechenmacher's own wedding night comes back to her as she looks at the bride, who seems like part of the wedding cake to be "served in neat little pieces to the bridegroom." Later that night, after Frau Brechenmacher is again in her own home, "she lay down on the bed and put her arm across her face like a child who expected to be hurt as Herr Brechenmacher lurched in."

In both "Prelude" and "At the Bay," Linda, the young wife and mother, is

resentful of her husband's love-making. Ironically, her sister Beryl is jealous of her precisely because she has those things that Beryl does not—a home, a husband, a sex life. In "Prelude" Linda thinks of her husband and admits to herself that "for all her love and respect and admiration she hated him." When Linda's dog jumps upon her there is a sudden shift in the narration from Linda's distaste at the dog's sudden movement to her distaste at her husband's physical advances. In "At the Bay" a female distaste for physical contact is repeated on several levels. First, Florrie, the cat, thinks of the sheep dog who passes, "Ugh! What a coarse, revolting creature!" This is echoed later in Linda's sexual rejection of her husband and, finally, in Beryl's abrupt rejection of the overtures made by the husband of a friend.

Many of the later stories, such as "The Stranger," "The Daughters of the Late Colonel," "Mr. and Mrs. Dove" and "Marriage à La Mode," contain heroines who are withdrawn, remote, sexually reluctant. The story "Poison"

is closely linked to these last two stories. The young man is totally absorbed in his ideal woman, Beatrice. She plays verbal games with him and tells him "it's the exception to find married people who don't poison each other—married people and lovers." At the end of the story, despite his seeming unconsciousness of her coolness toward him and of her anxiety at not receiving a letter in the mail, he finds that his drink tastes "chill, bitter, queer." The poison, although metaphorical, is no less potent.

What are we to make of these relationships between men and women? How liberated was Katherine Mansfield's conception of love? The narrator of two of her early stories, "The Modern Soul" and "The Advanced Lady," has strong ideas about the possibility of a healthy, free relationship between a man and a woman. The narrator ridicules the hypocrisy of traditional female roles as well as the women who believe that they are "modern" and are not. Yet the women in Mansfield's stories are neither happy nor free in their love relationships. Interestingly, although Mansfield had been divorced, her characters don't get divorced or even contemplate it; they remain, suffering quietly. She saw most women as victimized by marriage, and she saw some women who victimized their husbands; the marriage of "co-equals—partners" of which she writes in her letters to J.M. is not to be found in her fiction. As narrator, she could talk about good marriages in theory, but she never portrayed them in her fiction.

Many of the women in her stories have strong narcissistic streaks, and their narcissism takes a characteristic form. Her young women often spend time fantasizing about themselves as queens and peering into mirrors for confirmation. In an amusing scene in "The Swing of the Pendulum," the heroine who longs to be rich and to be treated as a queen paces up and down in her room at night, "drawing up sharply before the mirror and saying to a tragic reflection: 'Money, money, money!'" Beryl in "Prelude" also daydreams about being loved by a rich man. She goes over to a mirror and looks at herself in it, thinking, "How beautiful she looked, but there was nobody to see, nobody." In "Bliss" Bertha comes home, and "she hardly dared to look into the cold mirror—but she did look, and it gave her back a woman, radiant, with smiling, trembling lips, with big, dark eyes and an air of listening, waiting for something . . . divine to happen . . . that she knew must happen . . . infal-

THE EXILES

*At night they moved from room to room glinting,
with under the night-dress a bangle or two
and wine at the bedside in tall decanters
in which to pledge the perilous name.*

*They felt they were doomed most likely, but tried
each day to deny the future, the past,
as they rode brown fields on horseback
revisiting the further farms.*

*Deep Autumn: tinge
of apples dusky on the air
when nights drop sharply down, and dawns
reveal quick scatterings of frost.*

*Letters arrived from time to time
mostly with word of deaths:
the ways of the fathers and mothers were strange
but not as strange as the chill present.*

*How would it end—this game, this dream—
in sudden silence all about
with black skies falling to the earth,
or by slow sequence of cessations?*

*The world in sum was muck, they thought,
paltry and diseased—
and if indeed a god held sway
he should have worked first on himself,*

*done something for his private lacks
before presuming to bring forth
other minds touched with his malaise
and dim resentment of the void.*

They saw their shadows, caught in his huge mirror.

Frederick Morgan

libly." Monica in "Revelations" is totally self-absorbed and, looking into a mirror, she sees herself as completely free. The world is hers, "her kingdom." Beryl, Bertha and Monica all find that their mirrors confirm their images of themselves; it is significant, however, that their images are delusions.

Mansfield was conscious of her own reactions to mirror images. All her life she held dialogues with herself in front of the mirror. When on one occasion she is ill, she writes, "but the old trick of looking at myself in the glass and saying 'Courage, Katherine' won after all. . . ." She too looks for confirmation in the mirror, but often she does not find it. "I walk up and down, look at the bed, look at the writing table, look in the glass and am frightened of that girl with burning eyes, think 'Will my candle last until it's light?'" When an announcement of her forthcoming book, *Bliss*, appeared, she discovered that a photograph of her which she detested had been used in the advertisements. In an almost hysterical tone she berated J.M., insisting that he knew she hated that photograph. One can speculate that her concern with her own image was intensified because of the physical changes brought about by her illness. She was conscious of aging and wrote in her journal, "Young girls make me feel 40. Well, one certainly doesn't want to look 21." At this time she was 31 years old.

Yet she knew that absorption with one's physical image was not exclusively a female trait. In a letter to Murry she writes about his fascination with mirrors, "and think of the way you look in a glass if a glass is in the room—you return and return and return to it; it's like a woman to you—I have often noticed that. . . . You see, Bogey, your position is difficult. I'm a writer first and a woman after—I can't give you *all* you want—above all, a kind of easy relaxation which is essential to you, and which the glass (I don't mean that in the least scornfully) provides." Katherine Mansfield knew that people look into mirrors to find the self of which they dream.

Because of her illness as well as her ingrained romantic illusions, Mansfield had made emotional demands on Murry that he simply could not fulfill. Toward the end of her life she finally understood that, as she understood her husband's infidelity and weakness. She writes to him:

Ever since my illness this crisis, I suppose, has been impending—when suddenly in an agony I should turn all

woman and lean on you. Now it has happened. The crisis is over. You must feel that. It won't return. It's over for good. . . . However ill I am, you are more ill. However weak I am, you are weaker—less able to bear things. . . .

She knew that she had to extricate herself from dependence on Murry and depend only on herself:

I told you to be free because I meant it. What happens in your personal life does NOT affect me. I have of you what I want—a relationship which is unique but it is not what the world understands by *marriage*. That is to say I do not in any way *depend* on you, neither can you shake me. No-

body can. I do not know how it is, but I have *withdrawn* from my personal life. (This is hard to say). I am a writer first. In the past it is true, when I worked less, my writing self was merged in my personal self. I felt conscious of you to the exclusion of almost everything, at times. (All this is just outline). But now I do not. You are dearer than anyone in the world to me—but more than anything else—more than talking or laughing or being happy I want to write.

It is in this growing attitude of independence and re-examination of her professional self that Mansfield finally achieved liberation. Her love for Murry did not lessen, but it took its place in

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her life. Her work became more important to her—as his had always been more important to him. As her illness progressed her spirit of independence grew, and her early romantic dream of fairy-tale lovers finally receded and vanished. Its place was taken by a

more realistic appraisal of herself as a woman. She began to understand what was unique in Katherine Mansfield: the ability to capture in fiction the ambiguities of the self and the improbability of reconciling these ambiguities in human relationships. □

How Far the Poet's Writ Runs

PETER LaSALLE

The actor Sir Alec Guinness once said jokingly that he struck from his travel list any country in which his friend Graham Greene had set a novel. In Guinness's opinion, Greene's nose for political discord was keen and if trouble already hadn't erupted there, it would soon enough. *The Quiet American* by Greene is probably the best proof of the theory. In the novel, Greene fathomed and foretold, in his examination of one personal case, the tragedy of American involvement in Vietnam a decade before most future protesters even realized it was happening.

During a trip to Jamaica in January, I kept thinking of Guinness's observation on Greene. The week before I left I had finished reading V.S. Naipaul's *Guerrillas*, and I submitted a review to a local paper in Vermont where I live. I was preoccupied with plans for my own coming trip. So, the logical way to start the review was to say that the book held special interest for me because I was about to visit a country which appeared very similar to the lush, unnamed Caribbean island that is the setting for *Guerrillas*. I didn't know then the full implications of the statement.

V.S. Naipaul is Trinidadian. According to some reviewers, the story of the novel—in which a woman is brutally murdered—can be traced to the killing in 1972 of a white British woman who became involved with a black adventurer turned politician in Trinidad. But, in a way, the fictional territory could just as well be Jamaica, the other large independent Caribbean island that is still part of the Commonwealth. Naipaul does make some effort to disclaim Trinidad's being the setting by having the characters talk about having left Trinidad to settle on the novel's island. In fact, the novel's island shares much with Jamaica. The chief industry is bauxite mining, as in Jamaica; cricket is the great pastime (the avidly followed

West Indies Test matches with Australia were going on last month); Kingston-born reggae rock music blares on street corners—again as in Jamaica.

One purpose of my visit, besides escaping the northern New England deep-freeze, was to stop by at Kingston recording studios as part of my research for an article on reggae. A cab ride to one studio took me through the heart of the quarter of hungry children, open sewerage and corrugated tin roofs that is the West Kingston slum of Trench Town. I remembered detailed descriptions of such areas in Naipaul's novel. I was staying at a guesthouse in Liguanea at the foot of the Blue Mountains. It is a locale not unlike the Ridge in *Guerrillas*, with its neat British-style bungalows and its location above the congested city center.

In Naipaul's novel, a member of a slum neighborhood gang is shot, and deadly rioting begins. Two visiting Britishers, Roche and Jane—the woman eventually murdered—watch the slum burn from their vantage point of the Ridge. A few days after I landed in Kingston, these were the headlines on the front page of the *Kingston Daily Gleaner*: "Man Shot Dead, Four Persons Wounded, Hundreds Flee Homes. . . . Fires Rage in Rema Area. Firemen Retreat Under Attack by Armed Gangs. Blockades Hold Up Police, Soldiers Entering the Area." The trouble started with confrontations between local youth gangs. They were said to be politically at odds as radical supporters of the rival People's National Party (the majority party) and the Jamaica Labour Party. But before long, the police and army seemed their common enemy. In related violence, a constable on duty at the United States Embassy was shot. A BBC broadcaster says in Naipaul's novel, ". . . the disturbances were sparked off by radical youth groups protesting against unemployment and what they see as continued foreign domination of the economy. . . ."

I took the train up to Montego to spend the last several days of my stay

WHITE CEDAR

*This time of year
there are no leaves
but stiff oaks
papering the ground
with gloved mummy hands.
I waken the sleepy wood
crushing twigs and grubs
in Indian summer.
My feet hurt and slip
until I come to a patch of clubmoss
growing incredibly soft
on a table of rock
musky from rot.*

*I see so much more through bare trees—
yet there is nothing to see
except an abandoned nest
and a toothless stone wall.
The only green tree
is scrawny, tall as me.
I break off a piece to smell
but it is white cedar.
Betty's father, a sober drunk,
chopped one down for Christmas
thirty years ago.
When I saw it drooping
under gold balls and tinsel
I couldn't think up a lie.*

*In a few weeks
we will have to pick a tree—
balsam, spruce, Scotch pine
from an upstate farm.
How can I bear it
another year?
Forty, that I can remember
giving off the fragrance
of their own death.*

*Last week the red begonias
along the walk
turned black overnight.
Today the yellow chrysanthemums
decay in the vase Steve gave me
last year.
The white chrysanthemum
has one full bloom
and four buds
that will never open.*

Barbara Adams

in the resort town on the beautiful northern coast. I bought the *Gleaner* every morning to read the reports from the other end of the island. The headlines kept tabs on the deaths of policemen and gunmen. There were photographs of people fleeing amid the rubble and youths engaged in looting. In *Guerrillas*, Roche tells Jane, "Yes. One day there's going to be an accident. I hope it doesn't get to that. It's so odd. When

Peter LaSalle, a former newspaper reporter, teaches literature and creative writing at Johnson State College, Johnson, Vt.

you're out in the country, the old estates, and you see country people walking to church or rocking in their hammocks or drinking in their little bars, you don't think it's that kind of a country. . . . People would be frightened if they know how easily it comes."

In Jamaica, I got that feeling of "how easily it comes"—in this case, of how a developing country could find itself suddenly on the brink of outright fighting and confused civil war. Or, as another of Naipaul's characters says when he brings up the possibility of such fighting leading to assassination, "It's going to be South America for a couple of generations."

The uprising in *Guerrillas* ends when soldiers without uniforms, in U.S.-marked helicopters, brutally quell it to protect foreign investment in the bauxite mines. The trouble in Kingston that began in January ended—at least for a while—without outside intervention.

Shelley was a dreamer indeed to call poets "the unacknowledged legislators of the world." However, that doesn't mean

that we should continue to ignore some of the best minds of any generation—the poets, playwrights and novelists—when their fictions offer some of the best political analysis of the times. Naipaul shows in *Guerrillas* that he understands enough about the roots of Caribbean volatility to create a fictional explosion essentially identical to a real one that happened several months after the book appeared. I suppose one could hope—it seems a far-fetched hope—that the real legislators, maybe local Caribbean leaders, bauxite industry representatives, and even American State Department people, would expose themselves to Naipaul's knowledge. His novel, finally pessimistic, offers no solutions, but he wisely probes where the uneasiness lies, socially and economically.

I can't help but believe that our painful involvement in Vietnam might have had a different character and a different outcome if more of those best and brightest administration members of the time had taken to heart Graham Greene's convincing story of how a concerned young American in Vietnam in the 1950s went sadly wrong in his concern. □

In the Country of the Blind . . .

COUNTRY COUSINS. By Michael Brownstein. *A Venture Book/George Braziller.* 243 pp. \$7.95.

ARAM SAROYAN

This fine first novel concerns a young man named Martin Kilbank who lives on a farm with his recently widowed mother in the town of Winosha Falls, somewhere in the American heartland, in the late 1950s. Martin is unstable—he has only recently decided to put on some clothes and go into town, after spending a long time flipped out, rolling naked in the fields on his farm.

But Kilbank's behavior, although continually unorthodox, seems to have a consistent thread running through it: a thread made up of innocence, fear, love of nature and a strong but only vaguely focused desire to achieve something. His first act in this narrative is to arrange for the delivery of 5 tons of cement to his farm, with which he intends to build his own home.

When the cement is delivered that afternoon, Kilbank is unable to deal with it fast enough—as it emerges out of three cement mixers—to create any-

thing more than a huge surface of cement on which one of the trucks upends itself and gets stuck, thus setting in motion the plot of the story, which involves a legal action against Kilbank by the owner of the cement store.

As *Country Cousins* evolves we see various "normal" townsfolk—the town prosecutor, a young couple who are friends of Kilbank, the crew and customers at the town airport, the home team and crowd at a local basketball game—and all to one extent or another lose their grip on themselves and engage in unanticipated, frequently regrettable behavior.

Meanwhile, Martin Kilbank himself, coping as best he can with the terror aroused in him by this society, nevertheless carries on in a manner that is consistently less dangerous than the conduct of most of those around him. Among these only his mother Louise, whose values have survived from an older era, seems consistently, reliably herself.

What goes on here? The author, who was born in 1943 and hence was a small child when television became widespread, puts no small emphasis on that event. He writes:

. . . when television began to make its appearance as a popular-priced commodity in the late 1940s, very little resistance was encountered in the strongly traditional farm communities that criss-crossed the American homeland. Winosha Falls was no exception. . . . They apparently were not fully aware that these boxes wrought violent changes in the minds of their viewers, destroying their delicate regionalism almost invisibly, making parochial attitudes quaint before disposing of them altogether. Though this process took several years its seeds were planted without fail on the very first evening a network television program was seen. All across America this strange new crop was growing, but the men and women whose lives were given over to the magical process of fertility, of sowing seeds and reaping their reward, were the very ones who could not detect its final manifestation. They failed to make the connection between the air waves in front of their very noses and the crops that stood ripening in the earth outside their door. As a result, this small fluorescent box spelled doom for the larger clapboard box in which it stood.

Still, Brownstein tells us, there were those who "refused to buy a television set, either because picture quality was poor where they lived or because television destroyed the orderly rural silence and peace of mind in which they thrived. . . ." Martin Kilbank's deceased father, Ike Kilbank, was one of these.

Is it then Martin Kilbank's still television-free consciousness that has rendered him such an innocent misfit in this society? And is it likewise the impact of television which has caused such widespread aberration among the "normal" Winosha Falls citizenry?

Marshall McLuhan suggests that human consciousness itself tends to imitate the structure of the primary medium of communication at any given time—in the case of the television era, the mind comes to resemble an alternating series of "channels" without a fixed beginning, middle or end, as existed in the previous book-dominated era.

In a way, the interaction of the characters in *Country Cousins* corroborates this thesis: much of the activity goes on as if the participating people are each tuned to a different channel, and amounts not so much to interaction as to alternating broadcasts. There no longer seems to be any perceptible common ground.

Martin has gone mad but has remained an organism, in contact with the earth. The others, with the exception of the old earth-wise mother, seem utterly lost, wandering within a labyrinth



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of attitudes which television has apparently given them in place of their older, rural identities.

Michael Brownstein is a young writer to watch. Although it seemed to me that parts of *Country Cousins* could have stood some cutting, the book as a whole is a self-possessed, often masterful performance. □

DANCE

NANCY GOLDNER

One of the most hauntingly tinted *pas de deux* Balanchine has ever devised opens his otherwise all-white *Chaconne*, first introduced into the repertory of the New York City Ballet toward the end of its winter season. Suzanne Farrell and Peter Martins slowly walk toward each other from opposite sides of the stage; her eyes are cast down, his focus is on her. Upon meeting, their bodies revolve around each other and their arms intertwine. They make each other's acquaintance with the calm measure of foreknowledge; that's why these two figures immediately strike me as godly. To be sure, their measured embraces are more inquiring than Gluck's placid flute music from *Orpheus and Eurydice*, but not until Farrell embarks on traveling lifts and walks does the tension between aura and data develop into high drama. As Gluck's flutes amble about in the Elysian Fields, Farrell's powerful, long legs compel Martins to skim her through—the universe? Well, space will do. Those long, low strides are grandly serene, befitting gods in their element, but they are not accomplished without great will—Farrell's will. Everything about her presses forward. Like a real swan, without flutter and self-caressing fuss, her bottom leg tucks up beneath her lifted body and surges forward in fully acknowledged power. Her toe nips the ground, her wrists and neck press lightly down, and she's off again. Despite Gluck, the ground is always part of her world; indeed, parts of her journey are totally terrestrial. With Martins mooring her, she leans away from him and etches overlapping circles on the floor with the narrow tips of her toe shoes. The circular route from here to there is not the most economical, but the painstaking care with which Farrell works her feet renders this journey the most exquisite. Nor does Farrell avoid treacherous routes. She leans back into Martins's arms so that she is almost parallel with the floor, cranes her head backward, and with her partner as guide carefully extends one taut leg in front of the other.

Balanchine has a particular fondness for these not-so-enchanted walks in the en-

chanted garden. They seem to intimate that the dancers' effortless grace is hard won and precious; that sublime dance (and music) is necessarily tragic; that heaven is entered through a gate. By showing us in Farrell's walks the underside of the serene lifts and the dancers' serene demeanor, he also darkens and enriches the flute music. He makes dance and music painfully beautiful and so humanizes Gluck's paradise. In this duet Balanchine again discovers the point midway between the stratosphere and the empyrean. When Farrell propels himself and Martins across the stage and into the wings, one imagines them skimming that precarious line between suprahumanity and godhood for the rest of time.

As in *Agon*, *Apollo* and *Stravinsky Violin Concerto*, whatever follows a *pas de deux* by Balanchine at the height of his powers is bound to jar. (In *Apollo* and to a lesser extent in *Agon* the ensemble seems to intrude purposely on the love dance.) The jar of the ensemble's entrance in *Chaconne* is more profound than in the other ballets because it involves not a level of intensity but of style. At the instant a small ensemble walks on stage and politely forms a semicircle, we know we are in a different climate. The ladies' white tunics and gentlemen's white silk shirts and tights are appropriate, whereas Martins's white costume looked contrived and Farrell's limp, dirty-white chiffon dress underdressed. The ensemble stands at attention, the back scrim changes from blue to light pink, the flute gives way to the full orchestra, and four couples cross the stage in arabesques, buoyantly but not sweepingly. They are no more and no less than exercises as they would be executed in class (by very good dancers), beautiful only because they are arabesques. Not that Balanchine avoids working his art into them or into all the other rudimentary steps and phrases that form the next sections of *Chaconne*. In this entrée of the cast—first the ensemble, then the demi-soloists, and then the groups who will perform, we discover, separate variations—he slides each platoon into the frame in overlapping momentum, so that the canvas stretches, stretches and stretches some more—almost imperceptibly. However much one may sense his pupils' dilation, it is not until the entire cast falls into a tableau, the full-bodied sumptuousness of which could evoke only *The Sleeping Beauty*, that one fully realizes just how far and wide Balanchine has taken us—from a few modest arabesques and ladies' chains to the pinnacle of grandeur. That's the art. The materials, however, are the ABCs of school, and as I watched this and later sections I thought how delightful it must be for young dance students to see their daily struggles with *pas de bourrées*, arabesques, *ports de bras*, and even curtsies trans-

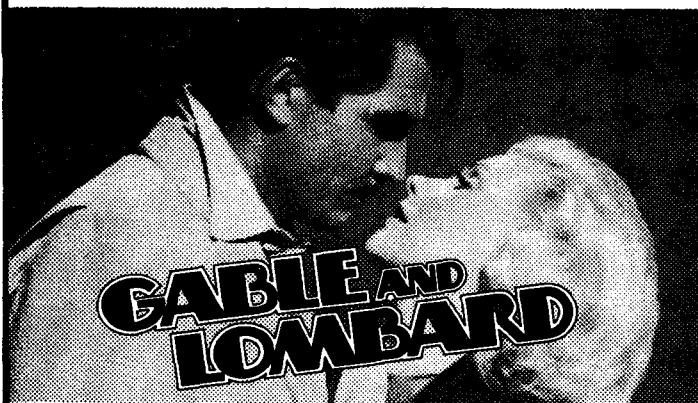
formed into a divine masque. For clearly, this white-on-white exposition of steps and patterns is the empyrean Farrell and Martins skirted. If their duet was more thrilling because it was unbearably beautiful, and more provocative because Balanchine cannot use Farrell as a template for strict classicism, this grand entrée of *Chaconne* is more lambent for its a-tragic tone—in fact, for its utter lack of any tone, place or climate. One could say it takes place in the court were court and stage not synonymous in Balanchine ballet. What I find so unusual about *Chaconne* is that it transcends even an intra-ballet association, the Russian Imperial connotations of *The Sleeping Beauty*.

Were *Chaconne* perfect, the links between the Farrell-Martins *pas de deux* and the following sections would have more depth than contrast. The duet would be subsumed by the whole. It stands isolated, a magnificent flaw in a magnificent ballet. Its inclusion—which, incidentally, does not appear in the program's schema—tells us that Balanchine is as interested in the unique qualities of his dancers as he is in ideas. If a dancer of Farrell's caliber cannot dance whitely, or cannot dance whitely and be true to herself, then Balanchine "accom-

modates" himself to the person. Consistency be damned.

The variations following the entrée are as translucent and simple and profound. Banking on the inherent strength of ballet technique, as a composer banks on scales, Balanchine shows us how baby talk may be eased into singing, supple sentences. Avoiding didactic simplicity, he drops dabs of color into the dances without subverting the whiteness. In the *pas de trois*, Jay Jolley carries his arms as though they held a lute; sometimes he plucks imaginary strings. Renee Estopinal and Wilhelmina Frankfurt swish their tunics as though they were long taffeta dresses. In the next dance, a duet, Susan Hendl and Jean-Pierre Frohlich remind one of clever court jesters via the broken lines of their arms and her attitudes perched on a bent knee. Whereas the *pas de trois* is nothing but transitional steps, this duet darts and spins with no transitional movement (and so gives Hendl and Frohlich a technical challenge they can't quite meet now). Next comes a *pas de cinq* for cygnets—crisp and adorable. And then the big swan and consort return for a duet and variations. With Farrell and Martins,

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Chaconne again tilts into more vibrant colors, but in the context of the preceding dances, with their small coloristic signatures, the two stars do not carry *Chaconne* away with them. Rather, they lace essentially four-square choreography with coloratura dynamics. Farrell hops and bounces through even-spaced footwork; she scoops into normally gliding turns. Martins, on the other hand, smooths jumps, turns and sudden directional shifts by means of that internal legato clock of his. Separately, they tat contrasting fabrics, which is one reason why they make such an interesting pair. With Farrell crinkling hers and Martins ironing his, there is no need to introduce stock competitiveness into their solos. The momentum they spark is more musical than intramural, and so can lead quite logically into the final *chaconne* for nearly the entire cast.

As Balanchine finales go, this one is a comparatively subdued version of his high-flying extravaganzas. To have organized its tides in more brilliant sequences and its clusters of dancers in brilliant configurations would have placed it in that very crystal palace Balanchine has been transcending; even at its conclusion *Chaconne* is white. Still, the finale could be a seedling of the one for *Le Palais de Cristal* (known here as *Symphony in C*). Certainly it will be as enduring as the Bizet symphony. A *Chaconne* without Farrell and Martins is a monument to the student's first ballet lessons, a Tolstoyan standard to which other choreographers would aspire had they faith in the arabesque. With Farrell and Martins, *Chaconne* is a smash hit. On February 8, the last night of repertory performance, the usually tepid City Ballet audience gave *Chaconne* a clamorous reception. Starting around the eighth curtain call, the principals took bows in pyramid

formation: Farrell, Martins, Balanchine; Farrell, Balanchine; Balanchine. Is this the first time the choreographer took a solo bow? *Chaconne* warrants this unusual gesture, of course, and so do dozens of others. I like to think that that bow was in recognition of the entire season. It is a pinnacle of City Ballet dance power, from the newest members of the corps, through fledgling soloists, through *de facto* principals, to the salaried principals themselves. □

THEATRE

HAROLD CLURMAN

In the February 14th issue I promised to write about Sidney Howard's *They Knew What They Wanted*, which alternates with one-act plays by Williams and Miller on the Phoenix Theatre program for this season. But now that I have seen the revival I have little to say about it. Though there are some sympathetic actors in the cast—Lois Nettleton for one—the production lacks distinctive quality. Stephen Porter, the director, usually does better with more “stylized” scripts.

They Knew What They Wanted, which I saw in 1924, when it was produced under the then-prestigious auspices of the Theatre Guild, gave the first evidence in Howard's career that he was to take a place among the roster of notable playwrights then appearing on the horizon and arousing hopes for an enliveningly adult American drama. He was then 33—the age when most of our playwrights shine most brightly—and was killed in a dreadful accident in

1939. He wrote several other plays of temporary merit, and at least one, *Yellowjack* (1934), of greater substance. His dramatization of Sinclair Lewis's *Dodsworth* was a stage and film success. A major portion of his career was devoted to such adaptations and to writing for Hollywood.

Howard was a reasonably adept craftsman, as *They Knew What They Wanted* attests, but his hand faltered when he assayed more ambitious forms or subjects. Like so many others of his day, he could not quite decide whether to undertake truly serious writing or conventionally popular box-office material.

There was a degree of autobiography in his work because, if Howard had a central theme, it was the need and justification for compromise. In *Yellowjack*, several doughboys become heroes by voluntarily submitting—for reasons not at all heroic—to a medical experiment seeking a cure for yellow fever. In *They Knew What They Wanted*, a more than middle-aged Italian grape farmer in Napa Valley eagerly consents to preserve his marriage to a woman much younger than himself, though she is soon to bear a child by another man, because he wants a wife and he wants children. The girl he married is glad to remain his wife, though she married without really knowing him and at that time he had broken both legs in an auto crash, because she wants a decent home and a fond husband.

The crucial fault in the Phoenix production is that the characters are all seen from a present-day viewpoint; the play can be convincing only when understood as integral to the social and moral premises of the characters in their time. It is difficult to make my observation clearer on this point without going into it at greater length than I now wish to do. For the production served chiefly to bring back the memory of the original one and the whole theatrical (and literary) era of which it is an example.

The play's central figure, Amy, the sorry waitress-wife, was then played by Pauline Lord, who after Laurette Taylor was perhaps the most deeply affecting actress of the period. Pauline Lord's Amy is as vivid to me now as if I had seen her only yesterday. The girl's helplessness and bewilderment, her mute terror at her husband's righteous fury, in addition to an appalling lack of comprehension of her sin—in a word, her utter lostness as a nondescript being in a society which provided no true base for her—were all factors that made Pauline Lord's performance one of the most memorable in my playgoing experience. It gave the play a stature as art which the script itself, though nice enough in a respectably sentimental way, did not pos-



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sess. That brings me back to a fundamental tenet of theatre aesthetics: a staged play is not simply a well-illustrated text but a new creation, every element of which—but predominantly acting and direction—fashions its overall effect and significance.

Even more, the revival at the Phoenix made me think back to the season of 1924-25, the season when I made my professional debut as a super in a play by Stark Young called *The Saint* and when 228 new productions were staged on and around Broadway. Among those offered were the first view of O'Neill's *Desire Under the Elms*, Maxwell Anderson and Laurence Stallings's *What Price Glory?*, a youthfully sweet play by Edmund Wilson, the first of Philip Barry's plays, the first revival of O'Neill's sea plays, the Sanskrit masterpiece *The Little Clay Cart*, Gilbert and Sullivan's *Patience* and Congreve's *Love for Love* (designed and directed by Robert Edmond Jones), two plays by John Galsworthy, several by George Kaufman, excellent Broadway productions of Shaw's *Candida* and Ibsen's *The Wild Duck* and the opening of the Guild Theatre (now the ANTA) with Shaw's *Caesar and Cleopatra*.

There were many more dailies then, and among the reviewers were Stark Young on

The New York Times and, if I am not mistaken, Heywood Broun on the *World*, while George Jean Nathan held court in similar service in *The American Mercury*. There were about sixty theatres on the "main stem" and the streets bounced with confident energy and a proudly amiable vulgarity. Hope was high because the theatrical animation was paralleled by the bursting forth of literary talents: Sherwood Anderson, Sinclair Lewis, Faulkner, Fitzgerald, Hemingway, et al., and a corresponding number of poets.

I am not weeping for the snows of yesterday, though I cannot help recalling Van Wyck Brooks's remark about America being largely a country of "first acts." I leave it to readers to judge whether we have made heartening progress since then, whether our theatre as well as our other arts now show the same healthy and cheerful hue. Certainly the changes are due to causes that lie outside the realm of "arts and leisure," so that the contrast must lead to an evaluation of the present social-economic-political state and to questions about the recent course of our history, our lives and what all these matters suggest about America as a whole. □

RECORDS / David Hamilton

SCHUMANN: *Liederkreis*, Op. 24; Songs from *Myrthen*, Op. 25. Dietrich Fischer-Dieskau, baritone; Christoph Eschenbach, piano. Deutsche Grammophon 2530 543. \$7.98.

Fischer-Dieskau, whose recorded repertory of songs must now exceed anybody else's by a factor of five or more, constitutes an unparalleled case, and a perplexing one. To those of us who listen to recordings with any frequency, he is our most constant visitor; hardly a month passes but that he is knocking at our doors to tell us something—in Heine's words or Goethe's, the Bible's or Boito's, even Verlaine's or Wilfred Owen's, set to notes by nearly everybody from Schütz to Henze and Reimann.

Over the last twenty-five years the voice has changed a bit, but not to any unrecognizable degree. Somewhere along the way, though, Fischer-Dieskau has virtually lost the potential to surprise us. We know him—or, at least, the part of himself that he confides to the public—better than we do any other singer, and he has not for a long time revealed enough untapped *personae*, enough unfamiliar musico-dramatic attitudes to enliven and illuminate all the literature he has undertaken. The musicianship, as always, remains impressive—honest, conscientious, accurate—even though the sound can now be rough, even

ugly on occasion. He can be counted on, but that's not merely a blessing; it's also a curse.

Perhaps in acknowledgment of predictability's perils, he has recently, with the retirement of Gerald Moore, taken to collaborating with a variety of stellar pianists: Eschenbach on the present Schumann disc, Barenboim and Richter in Wolf (most of the *Mörike Lieder* with the former on Deutsche Grammophon 2709 053; a selection from the same songs with the latter on Deutsche Grammophon 2530 584), Sawallisch and Barenboim in Brahms (an extensive survey on Electrola C 191 50379-85), and Brendel in a concert performance of Schubert's *Winterreise* last fall at Carnegie Hall. The results are always interesting, for these are remarkable and imaginative pianists; the concentration of Brendel's work in the Schubert cycle was exceptionally compelling. But the image the singer projects hasn't really changed. He comes across more as an institution than as a person.

On the one hand, we have heard too much of Fischer-Dieskau, which isn't his fault—nobody could have foreseen the potential consequences of that unparalleled productivity in canned art-song. But, on the other hand, we have heard too little, for there is a neutrality, a reserve, a studied quality about so much of his singing,

keeping the listener at arm's length, sending one back to his earliest records, which were not only tonally more alluring but also warmer and more impulsive. And sending one also to older, less musically disciplined performers for their directness and spontaneity—or, equally, to contemporaries such as Janet Baker or Jan DeGaetani, whose new disc of Schubert and Schoenberg, with the admirable Gilbert Kalish (Nonesuch H 71320), seems to re-create from the ground up, not always with complete success, but frequently with a newly minted freshness that can be breath-taking. (What DeGaetani and Kalish do with Schubert's *Der Musensohn* is raising eyebrows all around—usually with delight; it surely demands to be attended to.) Who can say that, 2,000 songs later, Miss DeGaetani will still be able to do this—but I do hope that she will be making more recordings of this literature; one of the unfortunate side effects of the Fischer-Dieskau phenomenon was the virtual exclusion of other performers from the art-song lists for a long period.

Beyond this, too, the size of Dieskau's forest can easily obscure the occasional perfect tree that grows there. On the new Schumann record, after some rocky riding and much routine, we eventually reach *Zum Schluss*, a benediction pronounced with irreproachable *Innigkeit*, impeccable repose. To be the right singer for every song was surely a self-defeating ambition; it should perhaps have been enough that for this one, and not a few others, he is the indubitably right singer. In the long run less might well have been more. □

FILMS

ROBERT HATCH

Taxi Driver is not about driving a taxi; it is about loneliness in the big city (New York) and the melancholy of unfound identity—real, if also fashionable, maladies. Martin Scorsese (screenplay by Paul Schrader) employs a cabbie to explore the subject because his trade puts a cabbie in touch with a great many people, but introduces him to none. It is a fault of the big city that there are many such jobs. Scorsese uses a taxi driver also because the wanderings of a cab through the main avenues and scabrous neighborhoods of New York provide occasions for the *verismo* photography and surreal camera effects that delight him. The signature of this picture is the fragmentation of neon-bedecked canyons through a rain-obscurd windshield.

Finally, Scorsese has cast Robert De Niro in the title role, because the picture will advance into the area of psychosis and De

Niro, as he demonstrated in *Mean Streets*, is adept at a kind of smiling nuttiness that would make any observant bystander seek safer company. The hiring boss at the taxi garage is not observant, and that is why Travis Bickle (De Niro) finds himself at the wheel of a cab. You and I would hope to spot the lethal component in his goofy smirking and not trust him with a handcart.

So, with the fuse lit, Scorsese sets the traffic swirling and the horns blaring, picking up the beauty of the city and the squalor, and pounding away with a musical background so painfully loud that I had to peer beneath its physical pressure to follow what was going on. It wasn't hard to see that Travis, what with long night hours on the streets, alternately popping pills and swigging from a half-pint bottle, was rapidly losing whatever grasp he had once had on reality. He has seen an ample blonde (Cybill Shepherd) in the window of a political campaign headquarters, manages (to my astonishment) to get her out for a coffee break, assures her that he sensed at once there was "something" between them and on their first real date takes her to a hard porn Times Square movie, from which she flees in a rage, leaving him more alone than ever.

Travis keeps a diary and writes long fantasy-embroidered letters to his parents—stock symptoms, the biographies of recent assassins have taught us, of paranoia flowering in solitude. He buys guns, a whole arsenal of them, invents ingenious ways of hanging them about his person, works hard to get himself in fighting trim and—gasps from the audience—appears one day with his head shaven to an Indian war tuft. Travis has been complaining for some time, to fellow drivers and casual fares, that the city is a sewer, so now comes an avenging angel bout of pimp slaying in Harlem, which greatly relieves the troubled young man's emotional tension, restoring him to his habitual state of unfocused good humor, but leaving me with the impression that my intelligence had been insulted.

De Niro is a good actor: he "feels" exactly like a cabbie, which is something a lot of actors could do, since getting into the skin of a job is a knack at which American actors excel. But De Niro does something a good deal more difficult—he simulates insanity at just the level that will get by as no more than eccentric among colleagues and passers-by. Accordingly, one observes his disintegration in a mood of fatalistic depression—the outcome is only too inevitable. And yet, for me at least, the picture did not work.

That is because Scorsese tries by main force to make it work. He has real and terrible subject matter (though the thinnest of stories)—the incipient mania that is in-

flamed by the impersonality of a big city and goes unnoticed amid the distractions of a big city. Unless you begin to walk funny or take to addressing large imaginary audiences, you can readily get to the cleansing blood-bath stage without setting off the alarms (see the six o'clock news almost any week). But Scorsese seems to have thought that this somber fact could best be put on the screen not by developing character but by turning all the resources of contemporary cinematography up to their highest pitch. Travis Bickle's trouble was that he couldn't get close to anyone, but Robert De Niro's trouble is that he can't get past the audio-visual pandemonium to show you Bickle's torment from inside. In the end, all you have is a shudder from the six o'clock news. I don't see much gain from spending two hours at a movie which celebrates the horror of anonymity by employing every mechanical means to keep its hero anonymous. De Niro did what he could to break through but he couldn't fight the production. Stunning is the word for it.

I have an advantage over the ordinary viewer of *The Killing of a Chinese Bookie* in that the management provided me with a synopsis of the plot, so I'm confident that I have the facts straight. Otherwise it might have been a problem, for John Cassavetes is indulging himself here, even more so than in the past, in the trick of enhancing dramatic profundity by leaving out key footage and thus implying that life is mighty mysterious. It reminds me a bit of the old serials, where we left the heroine at the end of one episode dangling over a chasm at the end of a badly frayed rope, only to catch up with her on the following Tuesday afternoon safe in the arms of the hero. Cassavetes also likes to record informative conversations against the backgrounds of heavy traffic or barroom chatter (this picture and *Taxi Driver* are a couple of steam calliopes).

Still, I'm not all that far ahead of the paying audience, because the synopsis also offers me a premise I can't accept. It seems to imply that I should admire, sympathize with, or at least be interested in a fellow with the striking name of Cosmo Vitelli (played by Ben Gazzara, who seemed to be having a good time without knowing exactly who he was supposed to represent) and I still don't see why the devil I should. Cosmo, we're told, is a man who has "defined himself in terms of his work . . . it is his entire existence—paid for in monthly installments." The phenomenon is familiar enough; whether or not it is interesting enough to be made into a movie depends in large part on what the man does and how he sees himself.

Cosmo runs a sleazy West Coast night club, where he writes and produces what

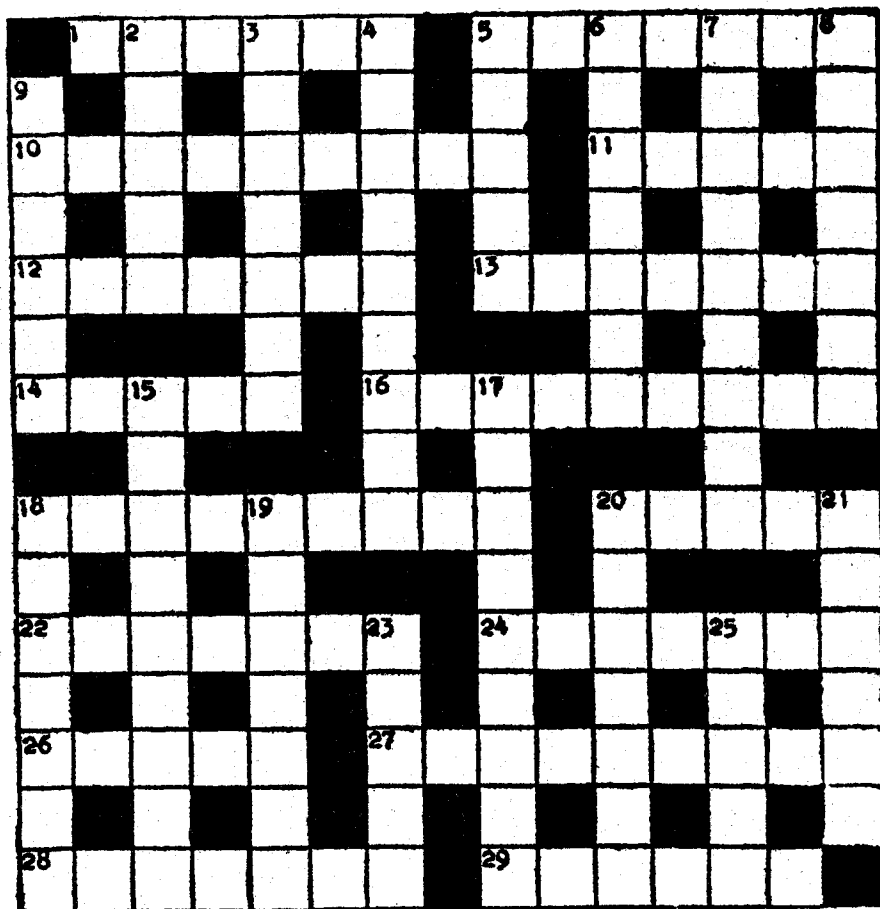
must be the worst skits ever performed in a strip joint, and which the film displays at considerable length. He also gambles in premises run by very tough characters in conservative dress, who take his large IOUs and suggest after a time that he pay them off in kind. In brief, he is to kill the Chinese bookie. Cosmo, not wishing to lose his club or his health, does so in a scene almost as unbelievable as his skits: the very wealthy Oriental gambler is surrounded by guard dogs whom Cosmo distracts with bits of hamburger and by young well-armed relatives through whom Cosmo walks, wearing, I decided, a cloak of invisibility. No one ever wandered that easily around the premises of Dr. Fu Manchu.

Cosmo must then evade the mobsters, who fear he has stirred up too much official interest with his gunfight at the Bookie's (it did sound like a brisk few minutes during the landing at Omaha Beach). There's a textual jump just at that point, so we don't know how he got off the fraying rope, but by and by he is back at the club introducing a new number, which like all the others features a rendition of *I Can't Give You Anything But Love, Baby*, sung by a stout gentleman in a top hat and bearing a nightmarish resemblance to Oscar Wilde (Meade Roberts). Cosmo is carrying a bullet in his side and his right-hand jacket pocket is filling with blood, but the credits came on before it was known whether or not the wound was fatal.

Cassavetes was struck some time ago with the truism that every human being is unique, and translated that into the generalization that every human being is dramatically rewarding, without realizing that the burden of proof may fall pretty heavily on the narrator—Falstaff being the model of how it is done. Cosmo Vitelli is a cheap sport who gets his kicks out of playing daddy boss to five or six second-rate strippers. He talks a good deal of pretentious nonsense, breaking off for the most part in mid sentence for added significance. He likes to show off with borrowed money and a hired limousine; he is proud of a dump that sailors on leave would spurn in Singapore. A sad fellow, to be sure, but digging into one's own inadequacies might produce a figure worth discussing. Cassavetes, however, hands the surface fragments of a nobody to Gazzara and turns on the razzle-dazzle, confident that significance will emerge. What emerges is resentment at a short-change act—I heard the whisper of hisses at the end of the preview. Not fair, I thought, for a lot of hard work by some talented actors went into the *Chinese Bookie*. It's just that no one thought to ask what the point was going to be. The Bookie looked like a nice, gentlemanly villain, in the classic style of melodrama. I was sorry we couldn't have had him in place of the unrealized Cosmo, with lots of fog and trap doors and no nonsense. □

Crossword Puzzle No. 1621

FRANK W. LEWIS



ACROSS

- 1 and 5 What dress designers might be chasing, somewhat. (5,1,7)
- 10 Everything I put a label on the wrong way, otherwise it might end up as baggage, or a purse. (9)
- 11 Turn inside out, like a female racketeer. (5)
- 12 One might manage to be set out of position on the pullback. (7)
- 13 Where 5 and 23 down might be opening. (7)
- 14 This way the pad is made more interesting.
- 16 By chance, lit in a particular science. (9)
- 18 and 25 down Someone evidently thought it a good time to take a stab at solving the country's problems. (3,4,2,5)
- 20 What we might be told is an old list of possible jurors. (5)
- 22 To depreciate a headache, a penicillin extraction is obviously the answer. (7)
- 24 Possible the center or end of one climbing a pole, perhaps. (7)
- 26 Hot to catch a girl with nothing on? (5)
- 27 It might not be much good without stock attached to it, but it's often rifled. (3,6)
- 28 Hardly an agreeable way to behave. (7)
- 29 What one is supposed to view isn't stated, but agitation is obvious when something does. (6)

DOWN

- 2 and 15 Peers sent to make this might be in misleading disguise. (5,9)
- 3 March past, and you'll know it's time for

Browning to like it here. (7)

- 4 Comes before a bet placed on such as 18-25.
- 5 and 23 Leading sort of thing initially produced at 13. (5,5)
- 6 Where you might find Irish whisky, though the grammar of the girl appeared to be crude. (7)
- 7 It may be out of place, but I'd clean it, just the same. (9)
- 8 and 9 Pro-environment crusades against man-made products? People have died this way! (7,6)
- 15 See 2 down
- 17 Hit on the golf course, as wrist-movement might reveal. (9)
- 18 A temporary change of direction preceded what the 24 did in defense, perhaps. (7)
- 19 One doesn't like to do it, putting it mildly. (7)
- 20 No agent, however disguised, shows such capacity. (7)
- 21 Look, there's absolutely nothing in it to be old and feeble! (6)

SOLUTION TO PUZZLE NO. 1620

ACROSS: 1 Traffic lights; 9 Roger; 10 Trouseau; 11 Eastern; 12 Blatant; 13 Louis; 14 Line drive; 16 Neatherds; 18 Fence; 19 Monarch; 21 Content; 22 Comported; 23 Ample; 24 See how they run. DOWN: 1 Three Blind Mice; 2 Angostura; 3 Farmers; 4 Cut in; 5 Iron bands; 6 Husband; 7 Sheba; 8 Put the kettle on; 14 Larghetto; 15 Innkeeper; 17 Hormone; 18 Fanfare; 20 Names; 21 Cadet.

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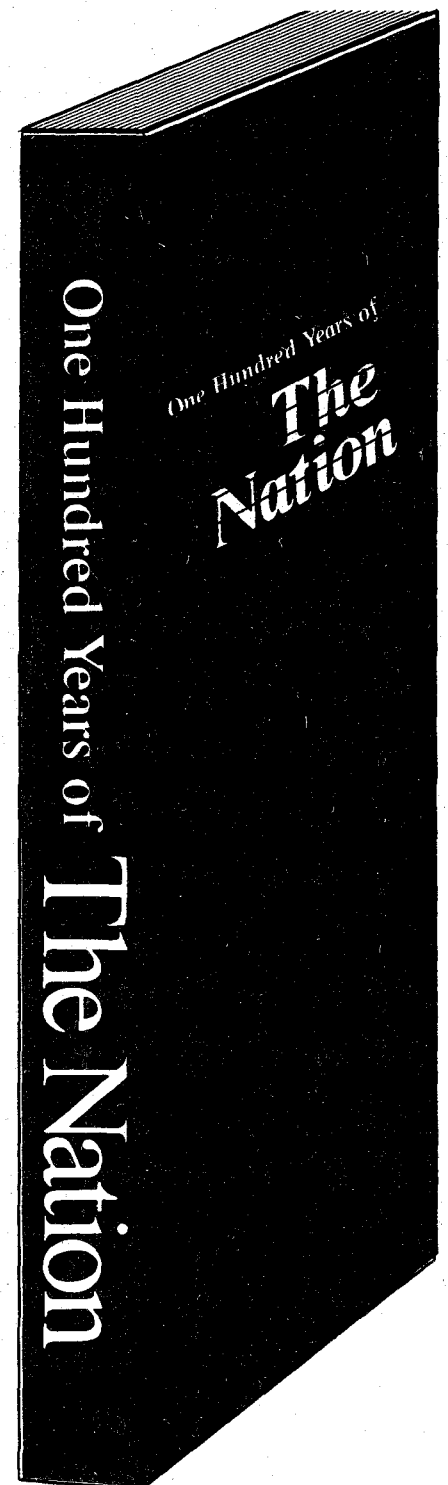
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